

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4
5 -----x

6 IN RE: NATIONAL PRESCRIPTION) MDL No. 2804
7 LITIGATION) Case No. 17-md-2804
8 This document relates to:) Hon. Dan A. Polster
9 All Cases)
10 -----x

11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW

13 VIDEOTAPED DEPOSITION OF BRIAN MUNROE
14 WASHINGTON, D.C.

15 TUESDAY, MARCH 19, 2019
16 9:14 A.M.

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23

24 Reported by: Leslie A. Todd

<p style="text-align: right;">Page 2</p> <p>1 Deposition of BRIAN MUNROE, held at the offices 2 of: 3 4 5 ARNOLD & PORTER KAYE SCHOLER, LLP 6 601 Massachusetts Avenue, N.W. 7 Washington, D.C. 20001 8 (202) 942-5000 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continued): 2 JOBINA JONES-MCDONNELL, ESQUIRE 3 ENDO PHARMACEUTICALS 4 5 ON BEHALF OF THE WITNESS: 6 WALTER W. COHEN, ESQUIRE 7 OBERMAYER REBMANN MAXWELL & HIPPEL LLP 8 200 Locust Street, Suite 400 9 Harrisburg, Pennsylvania 17101-1508 10 (717) 234-9730 11 12 ON BEHALF OF WALMART: 13 SHIRLETHIA V. FRANKLIN, ESQUIRE 14 JONES DAY 15 51 Louisiana Avenue, N.W. 16 Washington, D.C. 20001-2113 17 (202) 879-3939 18 19 ON BEHALF OF PURDUE PHARMA: 20 NICHOLAS A. NOVY, ESQUIRE 21 DECHERT, LLP 22 Cira Centre, 2929 Arch Street 23 Philadelphia, Pennsylvania 19104-2808 24 (215) 994-4000</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE MDL PLAINTIFFS: 4 PARVIN AMINOLROAYA, ESQUIRE 5 SEEGER WEISS, LLP 6 77 Water Street, 8th Floor 7 New York, New York 10005 8 (212) 584-0700 9 10 ON BEHALF OF THE TENNESSEE PLAINTIFFS: 11 TRICIA HERZFELD, ESQUIRE 12 BRANSTETTER, STRANCH & JENNINGS, PLLC 13 223 Rosa L. Parks Avenue, Suite 200 14 Nashville, Tennessee 37203 15 (615) 254-8801 16 17 ON BEHALF OF ENDO PHARMACEUTICALS and PAR: 18 JOSHUA M. DAVIS, ESQUIRE 19 WREDE SMITH, ESQUIRE 20 ARNOLD & PORTER KAYE SCHOLER, LLP 21 601 Massachusetts Avenue, N.W. 22 Washington, D.C. 20001 23 (202) 942-5000 24</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (Continued): 2 3 ON BEHALF OF ADAM KASAAB: 4 J. MICHAEL CONNOLLY, ESQUIRE 5 CONSOVOY McCARTHY, PLLC 6 3033 Wilson Boulevard 7 Suite 700 8 Arlington, Virginia 22201 9 (703) 243-9423 10 11 ON BEHALF OF McKESSON CORPORATION: 12 GABRIEL FULMER, ESQUIRE 13 COVINGTON & BURLING LLP 14 One CityCenter 15 850 Tenth Street, NW 16 Washington, DC 20001-4956 17 (202) 662-5769 18 19 ON BEHALF OF WEST VIRGINIA BOARD OF PHARMACY: 20 HARRISON CYRUS, ESQUIRE (Remote Streaming) 21 BAILEY & WYANT, PLLC 22 500 Virginia Street East, Suite 600 23 Charleston, West Virginia 25301 24 (304) 345-4222</p>

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1	APPEARANCES (Continued):		1	E X H I B I T S (Continued)
2			2	(Attached to transcript)
3	SARAH MILLER BENOIT, ESQUIRE		3	ENDO-MUNROE DEPOSITION EXHIBITS
4	(Remote Streaming)		4	No. 7 E-mail string re Urge Your Member of
5	ULMER & BERNE, LLP		5	Congress to Join the Bipartisan
6	65 East State Street		6	Congressional Caucus on Drug Policy,
7	Suite 1100		7	Bates PPLPC018000141199 to
8	Columbus, Ohio 43215-4213		8	18000141201 118
9	(614) 229-0000		9	No. 8 E-mail re Note the Bold at end,
10			10	Bates PPLPC019000154246 to
11	ON BEHALF OF AMERISOURCEBERGEN:		11	19000154249 121
12	M. PATRICK YINGLING, ESQUIRE		12	No. 9 E-mail re Invoice from Consultant
13	(Remote streaming)		13	Munroe, Bates PPLPC023000118882 123
14	REED SMITH LLP		14	No. 10 (Exhibit number not used.)
15	10 South Wacker Drive, 40th Floor		15	No. 11 E-mail string re Slides, Bates
16	Chicago, Illinois 60606-7507		16	ENDO-OPIOID_MDL-02212973 to
17	(312) 207-2834		17	02213004 131
18			18	No. 12 E-mail string re Percocet, Bates
19	ALSO PRESENT:		19	ENDO-OPIOID_MDL-06146694 to
20	ERICA KUBLY, Seeger Weiss, Law Clerk		20	06146695, with attachment 152
21	SCOTT SIEGEL, Seeger Weiss, Paralegal Manager		21	No. 13 E-mail re Dec. 20th Meeting
22	JEFF SAYRES, Trial Consultant		22	Follow-Up, Bates ENDO-OR-CID-
23	DANIEL HOLMSTOCK, Videographer		23	00707260 to 00707267 160
24			24	
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1	C O N T E N T S		1	E X H I B I T S (Continued)
2	EXAMINATION OF BRIAN MUNROE	PAGE	2	(Attached to transcript)
3	By Ms. Aminolroaya	15, 425	3	ENDO-MUNROE DEPOSITION EXHIBITS
4	By Ms. Herzfeld	303	4	No. 14 Demonstrative created at
5	By Mr. Davis	419	5	deposition 165
6			6	No. 15 E-mail string re Percocet, Bates
7			7	ENDO-OPIOID_MDL-06146694 to 06146696,
8			8	with attachment 167
9	E X H I B I T S		9	No. 16 AMDG Interagency Guideline on
10	(Attached to transcript)		10	Opioid Dosing for Chronic Non-
11	ENDO-MUNROE DEPOSITION EXHIBITS	PAGE	11	Cancer Pain; an educational pilot
12	No. 1 (Exhibit number not used.)		12	to improve care and safety with
13	No. 2 Subpoena to Testify at a Deposition		13	opioid treatment, E1957.1 to
14	in a Civil Action	22	14	E1957.14 173
15	No. 3 LinkedIn profile of Brian Munroe,		15	No. 17 E-mail string re Washington state
16	E1900.1 to E1900.3	52	16	Opioid prescribing guidelines,
17	No. 4 E-mail re No Subject EML, Bates		17	Bates EPI001775348 to 001775349 176
18	ENDO-OPIOID_MDL-02210739 to		18	No. 18 E-mail string re POPAN activities
19	02210763	84	19	in the past months, Bates
20	No. 5 (Exhibit number not used.)		20	ENDO-OPIOID_MDL-02210853 to
21	No. 6 Document entitled "3 Waves of the		21	02210855 178
22	Rise in Opioid Overdose Deaths,"		22	No. 19 E-mail re Washington Draft Opioid
23	E1901.1	108	23	Guidelines, Bates PPLP004301238 to
24			24	004301239 178

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2	(Attached to transcript)		2	(Attached to transcript)
3	ENDO-MUNROE DEPOSITION EXHIBITS		3	ENDO-MUNROE DEPOSITION EXHIBITS
4	No. 20 E-mail string re Washington State		4	No. 34 E-mail re PCF REMS Task Force
5	Opioid Dosing Guidelines, Bates		5	Recommendation and process,
6	PPLP004024280 to 004024281	185	6	Bates END00077888 to 0077921
7	No. 21 Compilation of documents, E0287.1		7	249
8	to E0287.35	191	8	No. 35 E-mail string re Opana Rebate,
9	No. 22 (Exhibit number not used.)		9	Bates EPI001080837 to 001080838
10	No. 23 Document entitled: "Responsible		10	252
11	Opioid Prescribing, a Physician's		11	Senator Casey -- Prescription
12	Guide," Bates END000051370 to		12	Drug Abuse Meeting, Bates
13	00051443	188	12	EPI002377845 to 002377847
14	No. 24 (Exhibit number not used.)		13	259
15	No. 25 E-mail re Opana ER - doses >30mg?		14	No. 37 E-mail re Military/Veterans and
16	Bates ENDO-OPIOID_MDL01902659 to		15	Pain Media Briefing this Tuesday
17	01902662	206	15	10-30, Bates ENDO-OPIOID_MDL-
18	No. 26 E-mail string re FDA Response to		16	02807915 to 02807922
19	PROP Petition, Bates ENDO-OPIOID_		17	269
20	MDL-01448657 to 01448675	213	17	No. 38 American Pain Foundation Invoice,
21	No. 27 E-mail re FDA petition regarding		18	dated November 2, 2007, to
22	opioid labeling, Bates		19	Endo Pharmaceuticals, Bates
23	END000403619 to 00403646	216	20	CHI_000430399 to 0004303404
24			21	271
			22	No. 39 E-mail re APF Briefing, Bates
			23	ENDO-OPIOID_MDL-02807881 to
			24	02807908
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				24
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3	ENDO-MUNROE DEPOSITION EXHIBITS		3	ENDO-MUNROE DEPOSITION EXHIBITS
4	No. 28 E-mail string re PCF REMS Task		4	No. 40 E-mail re Endo meeting with the
5	Force - I need your input ASAP,		5	DEA, Bates EPI001179443 to
6	Bates ENDO-OPIOID_MDL-03902804		6	001179451, with attachment
7	to 03902806	222	7	286
8	No. 29 E-mail string re REMS Letter,		7	No. 41 Letter to Robert Barto from
9	Bates ENDO-OPIOID_MDL-02485618		8	Parinda Jani (FDA), Bates
10	to 02485622	229	9	EPI001313856 to 001313859
11	No. 30 E-mail string re Meeting today at		10	290
12	NOON - Draft PCF response regarding		11	No. 42 E-mail string re DEA Letter,
13	REMS, Bates EPI001789493 to		12	Bates ENDO-CHI_LIT-00096310 to
14	001789494	232	12	00096312
15	No. 31 E-mail re [blank], Bates		13	296
16	ENDO-OPIOID_MDL-01134277 to		13	No. 43 (Exhibit number not used)
17	01134291	236	14	No. 44 E-mail string re Response from DEA
18	No. 32 E-mail re FDA Docket, Bates		15	Bates EPI001504213 to 001504221
19	ENDO-OPIOID_MDL-02293305 to		16	299
20	02293319	239	16	No. 45 E-mail string re TN Opana ER,
21	No. 33 E-mail re Friday's schedule,		17	Bates ENDO-OPIOID_MDL-02667004
22	Bates ENDO-OPIOID_MDL-02297404		18	to 02667005
23	to 02297405, with attachment	249	19	337
24			19	No. 46 E-mail string re Submitted for
			20	your review - Final Draft Rx Drug
			21	Abuse Plan - please provide comments
			22	Bates ENDO-OPIOID_MDL-02801542 to
			23	02801547, with attachment
			24	348
				No. 47 (Exhibit was clawed back)
				365

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1	E X H I B I T S (Continued)		1 Q Good morning, Mr. Munroe.
2	(Attached to transcript)		2 A Good morning.
3	ENDO-MUNROE DEPOSITION EXHIBITS	PAGE	3 Q Have you ever been deposed before?
4	No. 48 (Exhibit was clawed back)	371	4 MR. DAVIS: I just want to put a
5	No. 49 (Exhibit was clawed back)	373	5 statement on the record before we get going.
6	No. 50 (Exhibit was clawed back)	381	6 It's -- we went on the record at 9:15. Mr. Munroe
7	No. 51 E-mail re Draft Rx Drug Abuse		7 was in the chair at 9:00. MDL plaintiffs' counsel
8	Deck for 6/5/12	385	8 wasn't even in the building until 9:07. I think
9	No. 52 E-mail re Draft 2012 GA Strategic		9 it's extremely inconsiderate to all of us here in
10	Plan, Bates ENDO-OPIOID_MDL-		10 the room, and especially Mr. Munroe, given how
11	06213500 to 06213540	395	11 long these depositions have been going. I just
12	No. 53 E-mail string re External: HR		12 want that on the record.
13	659 Opioid Addiction Advisory		13 MS. AMINOLROAYA: Sure. And I
14	Committee Meeting 06-26-14,		14 apologize. As I mentioned before we went on the
15	Bates ENDO-OPIOID_MDL-02795421		15 record, I have a foot injury that has impeded my
16	to 02795422, with attachment	408	16 ability to walk, and so I was slow getting
17	No. 54 E-mail string re Top 10 States --		17 together this morning. I think we've been on time
18	Opana Sales, Bates ENDO-OPIOID_MDL-		18 before -- we've been at the deposition before the
19	02791740 to 02791742, with		19 start time. I apologize for that. It's
20	attachment	411	20 unexpected.
21	No. 55 E-mail string re Oxymorphone HCL		21 BY MS. AMINOLROAYA:
22	ER Geographical Insights, Bates		22 Q Mr. Munroe, have you ever been deposed
23	EPI001106854 to 001106856, with		23 before?
24	attachment	415	24 A No.
		Page 15	Page 17
1	PROCEEDINGS		1 Q So I'll just go over a few ground rules
2	-----		2 with you. Your counsel may have gone over them
3	THE VIDEOGRAPHER: We are now on the		3 with you before, but just so that we're on the
4	record. My name is Daniel Holmstock. I am the		4 same page, there's a couple of things that will be
5	videographer for Golkow Litigation Services.		5 helpful if we both keep in mind throughout the
6	Today's date is March 19th, 2019, and the time on		6 day.
7	the video screen is 9:14 a.m.		7 So if you don't understand a question,
8	This video deposition is being held at		8 please tell me. Otherwise -- or you can ask me to
9	the law offices of Arnold & Porter Kaye Scholer		9 rephrase it. Otherwise, the record will reflect
10	LLP, at 601 Massachusetts Avenue, Northwest, in		10 that you understood the question.
11	Washington, D.C., in the matter of In Re: National		11 Does that sound fair?
12	Prescription Opiate Litigation pending before the		12 You need to --
13	United States District Court for the Northern		13 MR. DAVIS: You've got to say yes or no.
14	District of Ohio, Eastern Division, MDL No. 2804.		14 MS. AMINOLROAYA: Yes.
15	Our deponent today is Mr. Brian Munroe.		15 MR. DAVIS: You've got to be verbal.
16	Counsel for appearances will be noted on		16 THE WITNESS: Yes.
17	the stenographic record.		17 BY MS. AMINOLROAYA:
18	The court reporter is Leslie A. Todd,		18 Q Another -- another ground rule that
19	who will now administer the oath.		19 I'll -- I'll let you know is that we need to
20	BRIAN MUNROE,		20 answer with verbal -- verbal responses. The court
21	and having been first duly sworn,		21 reporter can only take down a "yes" or a verbal
22	was examined and testified as follows:		22 response, so nods of the head or shakes can't be
23	EXAMINATION BY COUNSEL FOR THE MDL PLAINTIFFS		23 recorded.
24	BY MS. AMINOLROAYA:		24 Another thing that may happen throughout

<p style="text-align: right;">Page 18</p> <p>1 the day is in the course of normal conversation, 2 it's normal for you to anticipate my question, but 3 again for purposes of having a clear record, let 4 me finish the question, and then you can provide 5 your answer so that we have a clean record.</p> <p>6 We can take a break whenever you need. 7 If you need a break at any time, that's completely 8 fine. I would just ask that if I've asked a 9 question, you answer that question before we take 10 a break.</p> <p>11 Does that sound fair?</p> <p>12 A Yes.</p> <p>13 Q All right. Do you understand these 14 instructions?</p> <p>15 A Yes.</p> <p>16 Q Okay. And -- and as a reminder, you are 17 under oath as if you were in a court of law before 18 a judge, Judge Polster in Ohio. So you must 19 answer fully and include all relevant information 20 in your answer.</p> <p>21 And if you don't know or can't recall, 22 just say so. We're not looking for any guesses, 23 but we are entitled to your best recollection.</p> <p>24 Do you understand that?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Was it in 2019? 2 A It was in 2019.</p> <p>3 Q Tell me the name of your lawyer at 4 Obermayer.</p> <p>5 A Walter Cohen. (Counsel conferring.)</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And how long did you spend preparing for 9 your deposition?</p> <p>10 A Approximately a dozen hours.</p> <p>11 Q And was that in one day or multiple 12 days?</p> <p>13 A Multiple days.</p> <p>14 Q How many days did you spend preparing?</p> <p>15 A I prepared on four separate days for 16 several hours each day.</p> <p>17 Q All right. And did you speak with 18 anyone to -- besides your lawyers, to prepare for 19 this deposition?</p> <p>20 A No.</p> <p>21 Q Did you reach out to any employees at -- 22 at Endo?</p> <p>23 A No. The only people that I spoke to 24 about the deposition were family and close friends</p>
<p style="text-align: right;">Page 19</p> <p>1 A Yes.</p> <p>2 Q Thank you.</p> <p>3 And is there anything we should know 4 that would prevent you from testifying truthfully 5 and to the best of your ability today?</p> <p>6 A No.</p> <p>7 Q Okay. Thank you.</p> <p>8 What did you do to prepare for your 9 deposition today?</p> <p>10 A I met with my legal team.</p> <p>11 Q Okay. And whose your legal team?</p> <p>12 A They're seated to the left of me, 13 representatives from Arnold & Porter, Endo, and 14 Walter Cohen from Obermayer.</p> <p>15 Q And what's the second firm's name?</p> <p>16 A Obermayer.</p> <p>17 Q Obermayer. And does Obermayer represent 18 you personally?</p> <p>19 A Yes.</p> <p>20 Q And when did you retain Obermayer?</p> <p>21 A In preparation for the deposition.</p> <p>22 Q Okay. And do you remember -- do you 23 recall what date that was?</p> <p>24 A I don't recall.</p>	<p style="text-align: right;">Page 21</p> <p>1 telling them that I was going to go through this 2 process, but I discussed none of the content or 3 substance.</p> <p>4 Q Okay. For example, you told your wife 5 maybe that you were going to a deposition today.</p> <p>6 A Yes.</p> <p>7 Q Okay. And did you review any documents 8 in the course of your preparation for the 9 deposition?</p> <p>10 A I did.</p> <p>11 Q All right. Did you bring them with you 12 today?</p> <p>13 A I did not.</p> <p>14 Q Okay. And do you know what documents 15 you reviewed in preparation for your deposition?</p> <p>16 MR. DAVIS: Objection. Form.</p> <p>17 I'm going to instruct you, Brian, not to 18 divulge the content of any of the documents that 19 you reviewed during the course of your preparation 20 with us.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q Did you ask to review any documents in 23 particular in the course -- I'm not asking for the 24 content of them yet. I'm asking if you asked to</p>

<p style="text-align: right;">Page 22</p> <p>1 review any particular documents in preparation for 2 your deposition. 3 A I don't recall. 4 (Munroe Exhibit No. 2 was marked 5 for identification.) 6 BY MS. AMINOLROAYA: 7 Q So I'm going to hand you what's been 8 marked -- we used Exhibit 1 for another document, 9 so we'll start with Exhibit 2, a subpoena to 10 testify at a deposition. 11 MS. AMINOLROAYA: And do we have copies 12 for counsel? 13 BY MS. AMINOLROAYA: 14 Q Have you seen this document? 15 A Yes, I believe -- I didn't study it, but 16 I believe that I did see the subpoena for me to 17 appear to testify. 18 Q Okay. And when did you see a copy of 19 this? 20 A During my preparation. 21 Q All right. And did you take a look at 22 page 9 of the subpoena, "Requests for Production 23 by Brian Munroe"?</p> <p>24 A Let me look at that.</p>	<p style="text-align: right;">Page 24</p> <p>1 A The document was the notice of a hearing 2 of the Energy and Commerce Committee on the 3 subject of opioids. 4 Q And do you recall the date of that 5 document? 6 A I don't. 7 Q And where did you find the document? 8 A On my laptop. 9 Q Did you use your laptop for work as 10 well? 11 A No. I used it briefly as a consultant 12 in between jobs. My -- end of my time as an 13 employee at Endo and before I started my current 14 position, I was a consultant and I used my laptop 15 for my consulting business. So that's why I 16 searched my laptop to see if there were any 17 relevant documents. 18 Q And when did you -- since when have you 19 had this laptop? 20 A I believe that I purchased the laptop at 21 the end of my time at Endo, knowing that I was 22 going to transition out of the company, but I 23 don't recall the exact date. 24 Q Okay. And did you have a laptop prior</p>
<p style="text-align: right;">Page 23</p> <p>1 Q Sure. 2 A (Peruses document.) Yes, I did look at 3 this. 4 Q All right. And so there are ten 5 requests per the production of documents. Did you 6 search for documents to respond to these requests? 7 A I did. 8 Q Where did you search? 9 A I searched my wife's e-mail account, and 10 I searched my personal laptop, which were the only 11 areas that I thought there might be documents 12 relevant to these requests, knowing that the 13 company would have documents from my time when I 14 was an employee at Endo. 15 Q Okay. But you understood that you also 16 needed to search -- separately search -- 17 A I did. 18 Q -- these other sources. 19 And did you find any documents that were 20 responsive to these requests? 21 A I found one document on my personal 22 laptop that was a public document. 23 Q And what was -- what was the document 24 about?</p>	<p style="text-align: right;">Page 25</p> <p>1 to this -- this laptop? 2 A No. 3 Q Did you have a desktop that you used 4 before you purchased this laptop at home? 5 A We had a family desktop. 6 Q And did you ever use that family desktop 7 for work? 8 A I might have occasionally used it for 9 work when I didn't have my laptop from work. If I 10 was doing something on the weekends, I might have 11 used the family desktop. But I don't -- it would 12 have been very infrequent. 13 Q And did you search the family desktop 14 for documents that would be responsive to these 15 requests? 16 A I did. 17 Q And did you find any documents? 18 A I did not. 19 Q And what's the name of your consulting 20 firm? 21 A I was just an individual consultant. It 22 didn't have a name. 23 Q Okay. And during -- when did you become 24 an individual consultant?</p>

<p style="text-align: right;">Page 26</p> <p>1 A At the conclusion of my employment with 2 Endo in March of 2019. 3 Q And did you ever work as an individual 4 consultant prior to that? 5 A I was a consultant at a consulting firm 6 prior to my employment at Endo. 7 Q And what year was that -- or what years 8 did that cover? 9 A I don't recall. 10 Q Would that be Capitol Hill Consulting? 11 A That would be Capitol Hill Consulting 12 Group. 13 Q Do you recall that you worked at Capitol 14 Hill Consulting Group in 2007? 15 A I don't recall the dates. 16 Q Was it prior to your time at Endo? 17 A It -- it was. 18 Q And after leaving WellPoint? 19 A Yes. 20 Q Did you ever use your phone for work 21 purposes, your personal phone? 22 A While I was an employee at Endo? 23 Q Yes, mm-hmm. 24 A I did not have a personal phone. It was</p>	<p style="text-align: right;">Page 28</p> <p>1 Q All right. Switching gears a little 2 bit, tell us about your education. 3 A I have a B.A. degree from the University 4 of California. 5 Q Which school? 6 A The University of California at Santa 7 Barbara. 8 Q And what is your degree in? 9 A History. 10 Q Do you have a graduate degree? 11 A I don't. 12 Q Okay. And what year did you obtain 13 your -- your Bachelor's? 14 A 1983. 15 Q And after you graduated, what did you 16 do? 17 A After I graduated, in the summer of 1983 18 I worked at the University. 19 Q And what kind of work did you do at the 20 University? 21 A I worked at a place called the Alumni 22 Vacation Center. 23 Q All right. And how long did you do 24 that?</p>
<p style="text-align: right;">Page 27</p> <p>1 my work phone. And I would use my e-mail account 2 on my phone for work purposes, absolutely. 3 Q And would you ever send text messages 4 related to work on that phone? 5 A I don't recall sending text messages 6 related to work. [REDACTED] [REDACTED] [REDACTED] 10 Q And would you use this e-mail address 11 for work? 12 A No. 13 Q Did you ever use it for your -- related 14 to your work at Endo? 15 A I don't recall ever using it for 16 work-related purposes at Endo. 17 Q Are you aware that we located some 18 e-mails that were sent -- that were sent from this 19 e-mail account to -- to parties who are employed 20 by other defendants in the litigation? 21 A I am aware of -- of those e-mails, and 22 those e-mails were employment opportunities for 23 me, so I considered that non-work related and 24 personal in nature.</p>	<p style="text-align: right;">Page 29</p> <p>1 A For three months. 2 Q Do you have a CV, Mr. Munroe? 3 A I do. 4 Q Did you bring one with you? 5 A I did not. 6 Q Okay. And you were there for three 7 months, and what did you do after that? 8 A I recall that I went to work at the 9 Democratic National Committee. 10 Q And is this still 1983? 11 A This would still be 1983. 12 Q And what did you do at the Democratic 13 National Committee? 14 A I worked in the mailroom. 15 Q How long were you there? 16 A I don't recall. 17 Q All right. And do you recall what your 18 next position was after working in the mailroom at 19 the Democratic National Committee? 20 A Yes. I worked on the finance staff. 21 Q And until when was that? 22 A I don't recall. 23 Q Did you remain at the Democratic 24 National Committee for any -- in any other</p>

<p style="text-align: right;">Page 30</p> <p>1 positions?</p> <p>2 A I don't recall.</p> <p>3 Q And do you recall where you went after</p> <p>4 the Democratic National Committee?</p> <p>5 A Yes. Occidental.</p> <p>6 Q And what did you do on the financial</p> <p>7 staff at the Democratic National Committee?</p> <p>8 A We organized fundraisers and organized</p> <p>9 the collection of funds to support the activities</p> <p>10 at the DNC.</p> <p>11 Q And who did you work with in this -- in</p> <p>12 this role?</p> <p>13 A Don Sweitzer.</p> <p>14 Q And who -- who is he?</p> <p>15 A At that time he was the head of the</p> <p>16 finance group at the DNC.</p> <p>17 Q Did you work with anyone else?</p> <p>18 A Yes.</p> <p>19 Q Who else?</p> <p>20 A I don't recall.</p> <p>21 Q Okay. And then you went to Occidental.</p> <p>22 What is Occidental?</p> <p>23 A It's a large oil and chemical company.</p> <p>24 Q And what did you do there?</p>	<p style="text-align: right;">Page 32</p> <p>1 benefit to society or a benefit to public health</p> <p>2 and a benefit to Hoffmann-La Roche.</p> <p>3 Q Can you give me an example of an issue</p> <p>4 that fit the description you just provided?</p> <p>5 A No, I don't recall my work in any detail</p> <p>6 that long ago.</p> <p>7 Q Do you recall what year you were at</p> <p>8 Hoffmann-La Roche?</p> <p>9 A No, I don't recall.</p> <p>10 Q And did you work on issues that involved</p> <p>11 pharmaceutical drugs at Hoffmann-La Roche?</p> <p>12 A Yes.</p> <p>13 Q Do you recall which drugs?</p> <p>14 A No, I don't recall.</p> <p>15 Q Do you recall working on Accutane while</p> <p>16 you were at Hoffmann-La Roche?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q Or the drug -- the generic was called</p> <p>21 isotretinoin. Do you recall that?</p> <p>22 A No, I don't recall.</p> <p>23 Q Did you work on any medical devices at</p> <p>24 Hoffmann-La Roche?</p>
<p style="text-align: right;">Page 31</p> <p>1 A I was responsible for state government</p> <p>2 relations at Occidental Chemical Company.</p> <p>3 Q Is that the same thing as lobbying?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q Okay. What did you do in your role in</p> <p>9 the state government relations at Occidental?</p> <p>10 A It was a job where I monitored</p> <p>11 legislative and regulatory activity, participated</p> <p>12 in trade association meetings and wrote reports.</p> <p>13 Q And until when were you there?</p> <p>14 A I don't recall.</p> <p>15 Q All right. What did you do after</p> <p>16 leaving Occidental?</p> <p>17 A I went to work for Hoffmann-La Roche.</p> <p>18 Q What was your role at Hoffmann-La Roche?</p> <p>19 A I was a lobbyist at Hoffmann-La Roche.</p> <p>20 Q And what did you do in your role as a</p> <p>21 lobbyist for Hoffmann-La Roche?</p> <p>22 A I worked on projects in the southeastern</p> <p>23 United States and in Congress, and I worked on</p> <p>24 projects at the intersection where an issue was a</p>	<p style="text-align: right;">Page 33</p> <p>1 A I don't recall the specific issues I</p> <p>2 worked on that many years ago.</p> <p>3 Q Okay. And after leaving</p> <p>4 Hoffmann-La Roche where did you go?</p> <p>5 A I went to SmithKline Beecham.</p> <p>6 Q And what did you do at SmithKline</p> <p>7 Beecham?</p> <p>8 A I was the head of state government</p> <p>9 affairs.</p> <p>10 Q And what did -- what did that involve?</p> <p>11 A It involved creating a department,</p> <p>12 lobbying and public policy development</p> <p>13 specifically to address issues at the state level</p> <p>14 for SmithKline Beecham. And it was a startup</p> <p>15 role, so I was tasked with creating a department</p> <p>16 that would develop and implement public policy</p> <p>17 work for the company.</p> <p>18 Q And what is public policy work?</p> <p>19 A It involves developing public policy</p> <p>20 positions for the company that would benefit the</p> <p>21 public health or benefits to society -- determine</p> <p>22 which issues benefit society and make an important</p> <p>23 contribution to society, and also benefit</p> <p>24 SmithKline Beecham.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q And who determines whether the public 2 policy that you're describing here benefits 3 society?</p> <p>4 A Lawmakers.</p> <p>5 Q And would you suggest public policies 6 that you believed would fit this description to 7 lawmakers?</p> <p>8 A Yes.</p> <p>9 Q And earlier it seemed like you made a 10 distinction between government affairs and 11 lobbying. What is the distinction you were 12 making?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I was making the 15 distinction about the specific job I had at 16 Occidental where I -- I did not meet with 17 lawmakers directly. I did the research, I 18 monitored, I wrote reports, I met with company 19 officials, but was not meeting directly with 20 elected officials.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q Thank you.</p> <p>23 And at SmithKline Beecham, you were 24 lobbying politicians?</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q And you would try in your lobbying 5 efforts -- or what were your lobbying efforts when 6 you were suggesting a public health issue or a 7 public policy, excuse me, that would benefit the 8 public health, what were you doing to lobby the 9 politician?</p> <p>10 MR. DAVIS: Objection to form.</p> <p>11 THE WITNESS: We would provide them with 12 facts and data.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Would you do anything else?</p> <p>15 A I don't know.</p> <p>16 Q Why don't you know?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: That's just an open-ended 19 question. I can't think of all of the things that 20 we might have done to lobby any particular issue.</p> <p>21 Our principal activity was to provide 22 elected officials and appointed officials with 23 facts and data to support our position that what 24 we were advocating was a benefit to society,</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: At the beginning of my job 3 at SmithKline Beecham and through the early parts 4 of my job at SmithKline Beecham, I was lobbying 5 elected officials, but as the department grew, I 6 built a team that would do much of that work.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And by lobbying, what do you mean by 9 lobbying?</p> <p>10 A Lobbying for me was determining and 11 finding issues that would benefit the public and 12 provide a societal benefit, particularly in the 13 area of public health, and then determining which 14 of those issues would benefit SmithKline Beecham, 15 and when those issues intersected, those were 16 issues that -- that we would actually approach 17 elected officials and have conversations with them 18 about.</p> <p>19 Q And who determined whether an issue 20 benefitted the public health?</p> <p>21 A Lawmakers.</p> <p>22 Q And would -- again, would you suggest a 23 public health issue to a lawmaker that you 24 believed would benefit the public health?</p>	<p style="text-align: right;">Page 37</p> <p>1 particularly in the area of public health, and to 2 put forward positions that would protect the 3 interests of patients. So -- so the principal 4 thing we did was provide them with facts and data 5 to support a position that would protect the 6 interests of patients, public health, and -- and 7 identify the benefits to society.</p> <p>8 I might also bring in experts from the 9 company, subject matter experts on particular 10 topics. That would be another activity that -- 11 that I would do. But I can't think now of all of 12 the things I've done throughout my career, and 13 it's -- it's a pretty open-ended question.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Thank you.</p> <p>16 Would you hire -- would your efforts -- 17 your lobbying efforts that you just described, 18 would it -- do those involve hiring outside 19 lobbying firms?</p> <p>20 A Yes.</p> <p>21 Q And did you ever hire outside lobbying 22 firms at Smithfield as part of your lobbying 23 work?</p> <p>24 MR. DAVIS: Objection to form.</p>

<p style="text-align: right;">Page 38</p> <p>1 THE WITNESS: Do you mean SmithKline 2 Beecham?</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q I'm sorry. Yes, SmithKline Beecham.</p> <p>5 A Yes, we did hire outside consultant 6 lobbyists.</p> <p>7 Q And SmithKline Beecham, is that where 8 you met Burt Rosen?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 Foundation.</p> <p>11 THE WITNESS: It is.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q When did you meet Mr. Rosen?</p> <p>14 A I don't recall.</p> <p>15 Q Do you recall, was Mr. Rosen an -- an 16 employee at SmithKline Beecham?</p> <p>17 A He was.</p> <p>18 Q And was he in your department?</p> <p>19 A Yes, he was.</p> <p>20 Q And what was his role there?</p> <p>21 A He was the head of government affairs.</p> <p>22 Q Did you bring him on?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 MR. NOVY: Objection to form.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q And did you know Mr. Rosen prior to 2 starting at SmithKline Beecham?</p> <p>3 A No.</p> <p>4 Q Was Mr. Rosen a friend?</p> <p>5 MR. NOVY: Objection to form.</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: Mr. Rosen is a friend.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q Did that friendship develop when you 10 were at SmithKline Beecham?</p> <p>11 MR. NOVY: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q When did that friendship develop?</p> <p>16 A After my employment with SmithKline 17 Beecham.</p> <p>18 Q And do you get together socially with 19 Mr. Rosen?</p> <p>20 MR. NOVY: Objection to form.</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: I do.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q And that continues through today?</p>
<p style="text-align: right;">Page 39</p> <p>1 THE WITNESS: No.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q I believe you stated that you created 4 the government affairs department at SmithKline 5 Beecham; is that correct?</p> <p>6 A No, that's incorrect.</p> <p>7 Q I believe you testified that you were 8 the head of state government affairs?</p> <p>9 A That's correct.</p> <p>10 Q And so was Mr. Rosen the head of -- how 11 did state -- strike that.</p> <p>12 How did state government affairs fit 13 with the government affairs department?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: The state government 16 affairs department was a part of the government 17 affairs department.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q So did you work for Mr. Rosen then?</p> <p>20 A I did.</p> <p>21 Q Did you -- when you started at 22 Smithfield -- excuse me -- SmithKline Beecham, was 23 Mr. Rosen your boss?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 MR. NOVY: Objection to form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Earlier you mentioned that you would 6 hire outside lobbyists in addition -- in addition 7 to the work that was being done in the government 8 affairs department at SmithKline Beecham.</p> <p>9 Why would you hire outside lobbyists in 10 addition to the work that was being done?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q By government affairs.</p> <p>14 A We would hire consultant lobbyists for 15 their expertise in either policy areas or 16 consultants for their expertise in a state 17 capital's government processes.</p> <p>18 Q And did lobbyists ever draft bills for 19 SmithKline Beecham?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I don't recall.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q And -- and what do you mean by your 24 explanation that -- that you hired lobbyists for</p>

<p style="text-align: right;">Page 42</p> <p>1 their expertise in government state capital 2 processes?</p> <p>3 A Well, each state capital, as you might 4 know, is different from every other state capital 5 and state government. So each one is unique in 6 their processes. In the way legislation travels 7 through the government process, the way laws are 8 created, the way state agencies will implement 9 programs, each state government and each state 10 capital has unique government processes.</p> <p>11 And I believe at our zenith, we had five 12 to seven employee lobbyists throughout the United 13 States, but we did not have an expert on the 14 government process in each and every state. So it 15 was necessary oftentimes to have a consultant who 16 understood the government processes in each of the 17 state capitals and state governments.</p> <p>18 Q And could they assist with communicating 19 with politicians in state government?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q And is that one way that you used 24 lobbyists during your time at SmithKline Beecham</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Did lobbyists ever help -- help 2 politicians that you were seeking to obtain a 3 meeting with hold fundraising events?</p> <p>4 A I don't recall.</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q Did the lobbyists that you hired while 8 you were at SmithKline Beecham ever help with any 9 kind of fundraising for a politician that you were 10 seeking to have a meeting with?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't recall.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q And when you were using lobbyists to 15 communicate with politicians, were the politicians 16 aware that the lobbyists were there on your 17 behalf?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 Are you talking about during his time at 20 SmithKline Beecham or --</p> <p>21 MS. AMINOLROAYA: Yes.</p> <p>22 THE WITNESS: I would think so in almost 23 every event, although I cannot speak for the 24 lawmakers themselves. You'd have to ask them.</p>
<p style="text-align: right;">Page 43</p> <p>1 to help you communicate with a politician?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q And would you use lobbyists to help you 6 set up a meeting with a politician?</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q And if you wanted, for example, to 11 discuss a -- a potential bill with a politician, 12 would you ask the lobbyists to help you set up a 13 meeting?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q Would lobbyists ever help you with 18 the -- the scope of the work that the lobbyists 19 did for you at SmithKline Beecham, did it ever 20 involve bundling contributions for politicians?</p> <p>21 MR. DAVIS: Objection to form and 22 foundation.</p> <p>23 THE WITNESS: I don't recall.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MS. AMINOLROAYA:</p> <p>2 Q And just switching gears for a moment, 3 did you speak with Mr. Rosen about your deposition 4 today?</p> <p>5 A I did not.</p> <p>6 Q Are you aware that Mr. Rosen was deposed 7 in this litigation?</p> <p>8 A Yes, I was aware.</p> <p>9 Q Did you read his deposition transcript?</p> <p>10 A I did not.</p> <p>11 Q And how did you become aware that 12 Mr. Rosen was deposed?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 To the extent you know from some source 15 other than conversations you've had with counsel, 16 you can answer. If not, I'm going to instruct you 17 not to.</p> <p>18 THE WITNESS: I've been instructed by 19 counsel not to answer that question.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Okay. And when did you become aware 22 that Mr. Rosen was deposed in this litigation?</p> <p>23 A I've been instructed by counsel not to 24 answer that question.</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. DAVIS: You can answer the -- the 2 time.</p> <p>3 THE WITNESS: In the last three weeks.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Did you work with Mr. Rosen at any 6 organizations?</p> <p>7 MR. NOVY: Objection to form.</p> <p>8 MR. DAVIS: Objection to form.</p> <p>9 THE WITNESS: I worked with Mr. Rosen on 10 issues where there was an intersection between -- 11 where we both supported the same public policy, 12 and that that public policy intersected with a 13 benefit to society, and in particular, a benefit 14 to public health and protecting patient health.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q And on what issues did you work with 17 Mr. Rosen?</p> <p>18 MR. NOVY: Objection to form.</p> <p>19 MR. DAVIS: Objection to form. I think 20 it mischaracterizes his testimony.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q You testified that you worked with 23 Mr. Rosen on issues where there was an 24 intersection of -- where you both supported the</p>	<p style="text-align: right;">Page 48</p> <p>1 BCRG, which is the organization of the heads of 2 Washington offices. Business-Government Relations 3 Council is -- is what I believe it's called.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q And when did you become a member of 6 BCRG?</p> <p>7 A I don't recall.</p> <p>8 Q Is it -- was this -- did you become a 9 member prior to beginning your work at Endo?</p> <p>10 A I don't recall.</p> <p>11 Q And what is the Business-Government 12 Relations Council?</p> <p>13 A It's a networking organization for the 14 heads of Washington offices of businesses.</p> <p>15 Q What kind of events does the 16 organization hold?</p> <p>17 MR. DAVIS: Objection to form, 18 foundation.</p> <p>19 THE WITNESS: They hold an annual 20 meeting and luncheons with speakers from 21 Washington, D.C.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q Are these events open to the public?</p> <p>24 A I don't believe they are.</p>
<p style="text-align: right;">Page 47</p> <p>1 same public policy and that public policy 2 inter- -- intersected with a benefit to society.</p> <p>3 On what issues did you work with 4 Mr. Rosen?</p> <p>5 A I don't recall --</p> <p>6 MR. DAVIS: Same objection.</p> <p>7 THE WITNESS: -- the specific issues.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And did you work together in any 10 organizations?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 MR. NOVY: Objection to form.</p> <p>13 THE WITNESS: We were both members of 14 the Pain Care Forum, but I don't recall the 15 specific issues that I worked on with Mr. Rosen.</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q And are you both -- are you members of 18 any other organizations that Mr. Rosen is also a 19 member of?</p> <p>20 MR. NOVY: Objection to form.</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: I know of one other 23 organization, although I am not currently active 24 in that organization, and that's the organization</p>	<p style="text-align: right;">Page 49</p> <p>1 Q When was the last time you attended an 2 event put on by this organization?</p> <p>3 A I don't recall the specifics, but it's 4 been over a year.</p> <p>5 Q Did this networking organization focus 6 on any particular issues?</p> <p>7 A No.</p> <p>8 Q Are there any other organizations that 9 both you and Mr. Rosen belong to?</p> <p>10 A Not that I recall.</p> <p>11 Q And what did you do after leaving 12 SmithKline Beecham?</p> <p>13 A After leaving SmithKline Beecham, I went 14 to work at Millennium Pharmaceuticals.</p> <p>15 Q And what did you do at Millennium?</p> <p>16 A I was the head of government affairs.</p> <p>17 Q What did you do in that role?</p> <p>18 A Government affairs.</p> <p>19 Q Can you describe what that -- what that 20 means?</p> <p>21 A I developed public policy positions for 22 the company, and then lobbied elected and 23 appointed officials on issues that would benefit 24 society, benefit the public health, and also</p>

Page 50	Page 52
<p>1 benefit Millennium Pharmaceuticals.</p> <p>2 Q And who determined if these public</p> <p>3 policy decisions -- excuse me -- if these public</p> <p>4 policy positions benefitted society or the public</p> <p>5 health?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: Government officials.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And would government officials approach</p> <p>10 you with public policies?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 Again, is this during his time at</p> <p>13 Millennium?</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q During your time at Millennium, yes.</p> <p>16 A I don't recall.</p> <p>17 Q Would -- would you approach government</p> <p>18 officials with public policy-- public policies</p> <p>19 that you wanted them to support?</p> <p>20 MR. DAVIS: Objection to form. Same</p> <p>21 timing question.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q We're still talking about Millennium.</p> <p>24 A Yes.</p>	<p>1 A I was the head of the Washington office.</p> <p>2 Q And by Washington office, do you mean a</p> <p>3 government relations office?</p> <p>4 A Yes.</p> <p>5 Q And what did you do as the head of</p> <p>6 government relations for WellPoint?</p> <p>7 A I was the lead federal lobbyist.</p> <p>8 Q And was this in 2006?</p> <p>9 A I don't recall.</p> <p>10 (Munroe Exhibit No. 3 was marked</p> <p>11 for identification.)</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q I'm handing you what's been marked as</p> <p>14 Exhibit 3.</p> <p>15 Do you recognize this as your LinkedIn</p> <p>16 profile?</p> <p>17 A Yes, I do.</p> <p>18 Q And do you see on page 2 of the document</p> <p>19 you've listed your Millennium Pharmaceuticals</p> <p>20 position, vice president of government affairs.</p> <p>21 You were there through 2006, according to this?</p> <p>22 A Yes, that's what this says.</p> <p>23 Q Okay. Is that correct?</p> <p>24 A I don't recall the exact dates.</p>
<p style="text-align: center;">Page 51</p> <p>1 Q So when you were approaching them with</p> <p>2 public policies, it was because you or your</p> <p>3 employer had determined that this is something</p> <p>4 that they wanted the politician to support,</p> <p>5 correct?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: We approached government</p> <p>8 officials during my time at Millennium when we</p> <p>9 identified an issue that would benefit the public,</p> <p>10 particularly in the area of public health, and</p> <p>11 would be a direct benefit to patients and patient</p> <p>12 health, and a benefit to Millennium.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Did your work at Millennium involve</p> <p>15 opioids?</p> <p>16 A No.</p> <p>17 Q Did it involve other drugs?</p> <p>18 A It did.</p> <p>19 Q Any pain medication?</p> <p>20 A No.</p> <p>21 Q And what did you do after leaving</p> <p>22 Millennium?</p> <p>23 A I went to work for WellPoint.</p> <p>24 Q And what did you do at WellPoint?</p>	<p style="text-align: center;">Page 53</p> <p>1 Q Any reason to believe this is not</p> <p>2 correct?</p> <p>3 A There would be no reason to believe it's</p> <p>4 not correct.</p> <p>5 Q Thank you.</p> <p>6 All right. And after leaving</p> <p>7 Millennium, you went to WellPoint, as you just</p> <p>8 mentioned, and were you there until November 2006?</p> <p>9 A That's what this says.</p> <p>10 Q Okay. And what did you do after you</p> <p>11 left WellPoint?</p> <p>12 A After I left WellPoint, I came to work</p> <p>13 for Endo.</p> <p>14 Q Did you do anything between Endo and</p> <p>15 WellPoint?</p> <p>16 A At the conclusion of WellPoint, for a</p> <p>17 short period I worked at the Capitol Hill</p> <p>18 Consulting Group.</p> <p>19 Q Is there any reason that's not on your</p> <p>20 LinkedIn profile?</p> <p>21 A Yes.</p> <p>22 Q What is that?</p> <p>23 A There are lots of smaller, lesser jobs</p> <p>24 that are not on my LinkedIn profile. I put my</p>

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<p>1 primary jobs on my LinkedIn profile.</p> <p>2 Q And what did you do at Capitol Hill</p> <p>3 Consulting?</p> <p>4 A I was responsible for lobbying for their</p> <p>5 healthcare clients.</p> <p>6 Q Did that include opioid manufacturers?</p> <p>7 A Yes.</p> <p>8 Q And which opioid manufacturers did that</p> <p>9 include?</p> <p>10 A Purdue.</p> <p>11 Q Do you recall how long you worked for</p> <p>12 Purdue?</p> <p>13 MR. NOVY: Objection.</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I have never worked for</p> <p>16 Purdue.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q Do you recall how long you were</p> <p>19 responsible for lobbying for Purdue?</p> <p>20 MR. NOVY: Objection to form.</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: I never actually lobbied</p> <p>23 for Purdue. Purdue was one of the healthcare</p> <p>24 clients that Capitol Hill Consulting Group had,</p>	<p>1 department do?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: Our department at Endo</p> <p>4 Pharmaceuticals, government affairs would develop</p> <p>5 public policy positions based on what was -- based</p> <p>6 on those public policy issues that were good for</p> <p>7 society, beneficial to public health, and</p> <p>8 beneficial to the patient that intersected with</p> <p>9 public policy issues that were beneficial to the</p> <p>10 company, and at that intersection, we would</p> <p>11 develop projects on the legis- -- on legislative</p> <p>12 and regulatory issues to work on that would</p> <p>13 benefit the patient and society.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q And who determined whether a public</p> <p>16 policy position was good for society?</p> <p>17 A Well, ultimately, the elected and</p> <p>18 appointed officials that we were speaking to, they</p> <p>19 would have to make that determination based on the</p> <p>20 facts and data.</p> <p>21 Q And initially, Endo's government affairs</p> <p>22 department made that determination, correct?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: No. We identified issues</p>
<p>1 but they did not require my services during the</p> <p>2 time that I was a consultant lobbyist. So I never</p> <p>3 actually lobbied on behalf of Purdue Pharma.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Did you do any other work for -- besides</p> <p>6 lobbying while you were at Capitol Hill</p> <p>7 Consulting?</p> <p>8 A No.</p> <p>9 Q Did you do any work at all while you</p> <p>10 were at Capitol Hill Consulting for their Purdue</p> <p>11 client?</p> <p>12 MR. NOVY: Objection.</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't recall doing any</p> <p>15 work for Purdue during my time as a consultant</p> <p>16 there.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q And after Capitol Hill Consulting, did</p> <p>19 you go to Endo?</p> <p>20 A Yes.</p> <p>21 Q What did you do at Endo?</p> <p>22 A At Endo, I started up the government</p> <p>23 relations department.</p> <p>24 Q What did Endo's government relations</p>	<p>1 which we believed were beneficial to society, the</p> <p>2 public health, and beneficial to patient care that</p> <p>3 intersected with issues that were also beneficial</p> <p>4 to Endo, and it was those issues that we would</p> <p>5 bring before lawmakers, and it was the lawmakers,</p> <p>6 the elected officials, the appointed officials,</p> <p>7 that would make the determination.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And issues that were beneficial to Endo</p> <p>10 were issues that would -- issues that were good</p> <p>11 for Endo's business, correct?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: The issues that I worked</p> <p>14 on at Endo, and I can only speak in my capacity as</p> <p>15 the head of government affairs, were issues that</p> <p>16 were beneficial to society, beneficial to the</p> <p>17 public health, those issues that benefitted the</p> <p>18 patients directly, and where those issues</p> <p>19 intersected with issues that were beneficial to</p> <p>20 Endo, those were issues that we worked on.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q And the issues that you were</p> <p>23 identifying, public health issues -- strike that.</p> <p>24 The public policies that you just</p>

<p style="text-align: right;">Page 58</p> <p>1 described, these were public policies that would 2 have a return on investment for Endo? 3 MR. DAVIS: Objection to form. 4 THE WITNESS: The issues that I worked 5 on in my capacity as the head of government 6 affairs were those issues that we identified would 7 have a benefit to society, the public health, and 8 benefits often directly to patients, and a benefit 9 to Endo. 10 BY MS. AMINOLROAYA: 11 Q And the benefit to Endo, would that be 12 a -- in the way of product successes? 13 A I can only speak to the issues that -- 14 that I was involved with at my -- while I was 15 employed by Endo. 16 Q Sure. 17 A And those issues were issues that had a 18 benefit to society, the public health, often 19 directly to patient health, and a benefit to Endo. 20 Q And my question was, the benefit to 21 Endo, does that include product success? 22 A You'll have to ask Endo. I'm no longer 23 an employee of Endo. 24 Q All right. If you can take a look at</p>	<p style="text-align: right;">Page 60</p> <p>1 mention of any benefit to society in this -- in 2 the description of your role at Endo on your 3 LinkedIn profile? 4 MR. DAVIS: Objection to form. 5 THE WITNESS: Perspective employers who 6 might be looking at my LinkedIn profile would 7 know, and I know that they would know, that's -- 8 that it is impossible to be successful at what I 9 have made my life's work without demonstrating a 10 benefit to society, a benefit to public health, 11 and a benefit to patients. And so one is unable 12 to be successful in lobbying unless you can 13 demonstrate facts and data to support a benefit to 14 society, a benefit to public health, or a benefit 15 to the patient. 16 BY MS. AMINOLROAYA: 17 Q But the only thing you felt was 18 important to include or to mention in this first 19 sentence in your role -- describing your role at 20 Endo was that you "created from scratch and 21 currently lead an offensive minded, proactive and 22 high return on investment government relations 23 function focused on commercial/product successes." 24 Correct?</p>
<p style="text-align: right;">Page 59</p> <p>1 Exhibit 3. 2 Page 1 of your LinkedIn profile, it 3 states under "Endo Pharmaceuticals," created from 4 scratch and currently lead an offensive mind, a 5 proactive and high return on investment government 6 relations function focused on commercial/product 7 successes." 8 Did I read that correctly? 9 A Let me look at this, please. 10 Q Sure. 11 A (Peruses document.) Yes. 12 Q And what did you mean by -- by this 13 statement? 14 A Which statement? 15 Q The statement that's highlighted for us 16 that -- that I just read. 17 A What I have attempted to communicate 18 here and what I know to be true is that I worked 19 on issues that had a benefit to society, a benefit 20 to the public health, and a benefit to patients, 21 and I worked on those issues that intersected with 22 the interests of Endo. And when that intersection 23 came together, those were projects we worked on. 24 Q You would agree, sir, that there's no</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. DAVIS: Objection to form, 2 foundation. 3 THE WITNESS: I do know that the 4 projects that I worked on at Endo had a benefit to 5 society -- we believed that they had a benefit to 6 society, a benefit to the public health, a benefit 7 to patients, and where those ideals intersected 8 with the interests of Endo, that those were 9 projects that I worked on. 10 BY MS. AMINOLROAYA: 11 Q And I -- but those -- those things are 12 mentioned nowhere on your LinkedIn profile 13 describing your role at Endo, correct? 14 MR. DAVIS: Objection to form. 15 THE WITNESS: My work at Endo, which I 16 can describe was work where we identified a 17 benefit to society, a benefit to the public 18 health, and a benefit often directly to the 19 patient, and it's where those issues intersected 20 with the interests of Endo that I spent my time 21 working. 22 BY MS. AMINOLROAYA: 23 Q Thank you. My question is more narrow 24 than that.</p>

<p style="text-align: right;">Page 62</p> <p>1 My question is, your role at Endo, as 2 it's described on your LinkedIn profile, does not 3 mention a benefit to the public health or a 4 benefit to society, correct?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: People of importance that 7 I cared about looking at my LinkedIn profile, I 8 felt, would know that you cannot be successful at 9 the work you do here in Washington unless you can 10 clearly demonstrate with facts and data that there 11 is a benefit to society, a benefit to public 12 health, and a benefit to the patient, and it's 13 where those principles intersected with my work at 14 Endo that I spent my time.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Sir, can you stay with my question? Are 17 those things found anywhere on your LinkedIn 18 profile, just yes or no?</p> <p>19 MR. DAVIS: Objection to form. Asked 20 and answered several times now.</p> <p>21 THE WITNESS: I will say that the work I 22 did at Endo was focused on those public policy 23 issues where we believed there was a benefit to 24 society, a benefit to the public health, and often</p>	<p style="text-align: right;">Page 64</p> <p>1 his answer doesn't mean he needs to change it. 2 You've asked him the question several times, he's 3 given you the same answer several times. You can 4 keep asking him the question, but the answer I 5 would imagine is not going to change.</p> <p>6 MS. AMINOLROAYA: We'll get the special 7 master on the phone if this continues. We can 8 take a short break.</p> <p>9 THE VIDEOGRAPHER: The time is 10:18 10 a m. We're going off the record.</p> <p>11 (Recess.)</p> <p>12 THE VIDEOGRAPHER: The time is 10:32 13 a m., and we're back on the record.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Welcome back, Mr. Munroe. We took a 16 short break. We're back on the record.</p> <p>17 Your LinkedIn profile on page 2, if you 18 turn there, at the top of the page 2, it's the 19 last clause after the semicolon. It states: 20 "Lead Endo teams through five Congressional 21 investigations and numerous crises."</p> <p>22 What were the five Congressional 23 investigations that you led Endo through?</p> <p>24 A I don't recall all of them. I do recall</p>
<p style="text-align: right;">Page 63</p> <p>1 a direct benefit to the patient, and it's where 2 those principles intersected with the interests of 3 Endo that I spent my time.</p> <p>4 MS. AMINOLROAYA: Move to strike your 5 answer.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q Sir, do you understand you're under oath 8 as if you were in a court of law before Judge 9 Polster?</p> <p>10 A Yes.</p> <p>11 Q You need to answer my questions.</p> <p>12 MR. DAVIS: Parvin, he's answered this 13 question I think probably five times now. Just 14 because you don't like his answer doesn't mean 15 he's not answering.</p> <p>16 MS. AMINOLROAYA: No, he has not 17 answered the question. My question is, is a 18 benefit to public health or a benefit to public 19 society -- society found on the description of his 20 role at Endo in his LinkedIn profile. He's 21 answering another question. This is not a Sunday 22 morning talk show where he can pivot and provide 23 the answer that he wants to provide.</p> <p>24 MR. DAVIS: Just because you don't like</p>	<p style="text-align: right;">Page 65</p> <p>1 one of the Congressional investigations was on 2 opioids led by Senator Grassley, and another one 3 was led by Senator McCaskill on opioid SOMs 4 programs. And another was a Congressional 5 investigation that didn't happen because we were 6 able to provide facts and data to have that 7 Congressional investigation not happen. But I 8 don't recall all of them.</p> <p>9 Q Okay. Thank you.</p> <p>10 And as to the last Congressional 11 investigation that you say didn't happen, what was 12 the subject matter of that?</p> <p>13 A Mesh products.</p> <p>14 Q What was your role in the Congressional 15 investigation led by Senator Grassley?</p> <p>16 A I worked with a team of Endo executives 17 to be responsive to Senator Grassley's written 18 questionnaire that he had sent the company, and we 19 responded with documents. And I don't recall 20 the -- the other specific responses that we 21 provided to the committee -- to the chairman and 22 to the committee.</p> <p>23 Q Thank you.</p> <p>24 And was that in approximately 2012?</p>

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<p>1 A It could have been. I don't recall the 2 date.</p> <p>3 Q And the Congressional investigation by 4 Senator McCaskill related to suspicious order 5 monitoring, what was your role in responding to 6 that investigation?</p> <p>7 A My role was to organize a team of 8 subject matter experts, outside and inside legal 9 counsel, so that we could be responsive to Senator 10 McCaskill.</p> <p>11 Q What year was this?</p> <p>12 A I don't recall.</p> <p>13 Q And who were the team of experts that 14 you assembled to respond to this investigation?</p> <p>15 A It would have been members of our DEA 16 and supply organization at Endo. I don't remember 17 the names. It would have been at least one member 18 of my department. It would have been inside and 19 outside legal counsel. Again, it's been some 20 time, and I don't remember the names of the people 21 who all were there.</p> <p>22 Q Did you hire any lobbying firms to 23 respond to this Congressional investigation?</p> <p>24 MR. DAVIS: Objection to form.</p>	<p>1 THE WITNESS: I don't recall them doing 2 any lobbying work on either of -- of those 3 Congressional investigations. Both of which, 4 interestingly, resulted in no follow-up from the 5 committee.</p> <p>6 MS. AMINOLROAYA: Move to strike the 7 second sentence as nonresponsive.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And your -- your LinkedIn profile 10 mentions that, on the first page towards the 11 bottom, that you "extended exclusivity for largest 12 products by one year," hyphen, "\$900 million 13 impact."</p> <p>14 Which product does this refer to?</p> <p>15 A I'd like to read the document. (Peruses document.)</p> <p>16 Lidoderm.</p> <p>17 Q And --</p> <p>18 A Which is a non-opioid product you might 19 know.</p> <p>20 Q Thank you.</p> <p>21 And the last sentence -- or the last 22 bullet, full bullet here states: "Successfully 23 removed all unapproved products in the category</p>
<p style="text-align: center;">Page 67</p> <p>1 THE WITNESS: I don't recall hiring a 2 lobbying firm to directly address this issue. We 3 addressed it mostly with our internal team, inside 4 and outside legal counsel is what I recall.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q Did you engage a lobbying firm to 7 indirectly address Senator McCaskill's 8 investigation?</p> <p>9 A I don't recall.</p> <p>10 MR. DAVIS: Objection to form.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q And for Senator Grassley's 13 investigation, did you hire a lobbying firm to 14 respond to his inquiries?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I believe at that time we 17 had lobbying firms under employment, but I don't 18 recall hiring a lobbying firm to specifically 19 address the issues raised by Senator Grassley.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Did any of the lobbying firms that you 22 had under employment do work for you in response 23 to Senator Grassley's investigation?</p> <p>24 MR. DAVIS: Objection to form.</p>	<p style="text-align: center;">Page 69</p> <p>1 from the market creating exclusivity for Endo 2 product, \$125 million in annual impact."</p> <p>3 Which unapproved products are you 4 referring to here?</p> <p>5 A I'm referring to two non-opioid 6 products, Adrenalin and HCl.</p> <p>7 Q And your profile continues: "Achieved 8 two of only four technical corrections to 9 Obamacare to exempt two Endo products from 10 Medicaid rebates."</p> <p>11 Which products are you referring to 12 here?</p> <p>13 A I'm trying to remember the names of the 14 products. I remember the name of one of the 15 products. They're both non-opioid products. And 16 the exceptions we gained were for infused -- I'm 17 sorry, instilled and implanted products, and I 18 believe the name of one of the products is 19 Valstar, and I don't recall the name of the other 20 product.</p> <p>21 Q Thank you.</p> <p>22 Then you describe yourself as "battle 23 tested." Do you see that?</p> <p>24 A That's what this says.</p>

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<p>1 Q Yes. What does that mean?</p> <p>2 A I think it refers to my lobbying on</p> <p>3 issues of controversy.</p> <p>4 Q And that's followed in the same bullet</p> <p>5 by: "Lead Endo teams through five Congressional</p> <p>6 investigations and numerous crises."</p> <p>7 So were these issues of controversy,</p> <p>8 these five Congressional investigations for Endo?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: They ended up not being</p> <p>11 controversial, in my opinion, because in each</p> <p>12 instance, after being completely responsive to</p> <p>13 Congressional committees in the investigations</p> <p>14 they were undertaking, there was no follow-up.</p> <p>15 Which is the equivalent in Congressional terms to</p> <p>16 being in a situation where there was -- there was</p> <p>17 nothing for -- no action for them to take. So</p> <p>18 they completed their investigation and the</p> <p>19 investigation was done, and there was no</p> <p>20 follow-up. So I would not describe those as</p> <p>21 controversial.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q But you do include the term "battle</p> <p>24 tested" in the same bullet as your description of</p>	<p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I -- I would agree that --</p> <p>3 that while it's not on my LinkedIn profile, it's</p> <p>4 implicit in the work that I was doing, especially</p> <p>5 the successful work, that you simply can't be</p> <p>6 successful at my job without producing the facts</p> <p>7 and data and convincing lawmakers and appointed</p> <p>8 officials that there was a clear benefit to</p> <p>9 society.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q What did you do when you left Endo?</p> <p>12 A I became a consultant for a short</p> <p>13 period.</p> <p>14 Q Did you consult for any opioid</p> <p>15 companies?</p> <p>16 A Yes.</p> <p>17 Q Which companies did you consult for?</p> <p>18 A Endo.</p> <p>19 Q When did you consult for Endo?</p> <p>20 A After leaving Endo, I consulted for</p> <p>21 several months before I began my next full-time</p> <p>22 employment.</p> <p>23 Q And on what issues did you consult for</p> <p>24 Endo?</p>
Page 71	Page 73
<p>1 the five Congressional investigations that you led</p> <p>2 Endo through, correct?</p> <p>3 A That's what this says.</p> <p>4 Q And you also mention numerous crises</p> <p>5 that you led Endo through. Which are those?</p> <p>6 A I don't recall.</p> <p>7 Q And were you responsible for particular</p> <p>8 drugs in your role as senior vice president of</p> <p>9 government affairs at Endo?</p> <p>10 A No.</p> <p>11 Q Did your work span all of Endo's drugs?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: My work spanned not only</p> <p>14 all of the drugs, but all of the issues that the</p> <p>15 company felt had a benefit to society, a benefit</p> <p>16 to public health, a benefit to patients, and a</p> <p>17 benefit to Endo. So those might be pharmaceutical</p> <p>18 product issues, but many other issues as well</p> <p>19 where we identified a societal benefit.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q And again, this benefit to society and</p> <p>22 benefit to public health is mentioned nowhere in</p> <p>23 the description of your job at Endo on your</p> <p>24 LinkedIn profile, correct?</p>	<p>1 A My time as a consultant for Endo, I</p> <p>2 spent most of that time coaching the new head of</p> <p>3 government affairs, one of my former employees</p> <p>4 that was left behind in the group, and most of</p> <p>5 what I did was coach him on his job and monitored</p> <p>6 legislative and regulatory activities and kind of</p> <p>7 kept him informed of what I thought he needed to</p> <p>8 be kept informed about in terms of legislative and</p> <p>9 regulatory activities.</p> <p>10 Q And what is his name?</p> <p>11 A James Manser.</p> <p>12 Q Did you do any other work in your role</p> <p>13 as a consultant for Endo?</p> <p>14 A No.</p> <p>15 Q Did you do any other consulting work for</p> <p>16 any other companies?</p> <p>17 A Yes.</p> <p>18 Q For any companies that sell opioids?</p> <p>19 A No.</p> <p>20 Q For any companies that distribute</p> <p>21 opioids?</p> <p>22 A No.</p> <p>23 Q For any other organizations that</p> <p>24 interact with opioids?</p>

<p style="text-align: right;">Page 74</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I did do executive</p> <p>3 coaching for an employee of a company that has a</p> <p>4 pipeline product in the addiction recovery space.</p> <p>5 And that company's pipeline product, which is not</p> <p>6 yet approved by the FDA, does contain an opioid</p> <p>7 substance, buprenorphine.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q Thank you.</p> <p>10 And now at Bausch Health, do you -- does</p> <p>11 your work there involve opioids?</p> <p>12 A No.</p> <p>13 Q And why did you leave Endo?</p> <p>14 A I left Endo because Endo was going</p> <p>15 through a restructuring and made a decision to</p> <p>16 close the Washington office to reduce operating</p> <p>17 expense.</p> <p>18 Q Did you enter into a separation</p> <p>19 agreement with Endo?</p> <p>20 A I did.</p> <p>21 Q Are you testifying today pursuant to</p> <p>22 your separation agreement?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I'm here to be responsive</p>	<p style="text-align: right;">Page 76</p> <p>1 the physicians' prescribing authority to prescribe</p> <p>2 the right medication to the right patient at the</p> <p>3 right time to the appropriate patient, we would</p> <p>4 identify those issues that had this societal</p> <p>5 benefit, and where they intersected with Endo's</p> <p>6 interests, we would work on those issues.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q You would agree that if a physician</p> <p>9 can't prescribe one of Endo's products, that's --</p> <p>10 that's not good for Endo's business?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: We believed, and I can</p> <p>13 only speak in my role in government affairs and</p> <p>14 the role that I played, that we sought to protect</p> <p>15 a physician's right to prescribe the right drug,</p> <p>16 any drug, any company's drug, so long as it was</p> <p>17 the right drug for that patient's best healthcare</p> <p>18 needs. And so that was very much a priority to</p> <p>19 have this patient-centered approach, and to</p> <p>20 protect a physician's right to -- to make that</p> <p>21 decision with the patient.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q And a physician's right to prescribe a</p> <p>24 drug, it's beneficial for Endo, correct?</p>
<p style="text-align: right;">Page 75</p> <p>1 to the subpoena.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q Does your separation agreement require</p> <p>4 you to testify?</p> <p>5 A Not explicitly. The separation</p> <p>6 agreement, as I understand it, requires me to</p> <p>7 cooperate with the company on reasonable levels of</p> <p>8 issue -- at a reasonable level of issues,</p> <p>9 including litigation.</p> <p>10 Q Are you being paid for your time today</p> <p>11 by Endo?</p> <p>12 A I am not.</p> <p>13 Q Did Endo's government affairs department</p> <p>14 do lobbying?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q And what -- what did the lobbying work</p> <p>19 that Endo's government affairs department did when</p> <p>20 you were in the department involve?</p> <p>21 A So we would identify issues that were</p> <p>22 beneficial to society, particularly those issues</p> <p>23 that were of benefit to public health and a</p> <p>24 benefit to patients, or issues that would protect</p>	<p style="text-align: right;">Page 77</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: We thought the primary</p> <p>3 benefit -- you're asking about benefit, which I --</p> <p>4 which I think is important. Our focus was on</p> <p>5 protecting the physician's right to prescribe the</p> <p>6 right medication. That was really our focus,</p> <p>7 and -- and we thought it was important then, and I</p> <p>8 imagine that it's -- it remains important to the</p> <p>9 company.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q So your focus in government affairs was</p> <p>12 protecting a physician's right to prescribe the</p> <p>13 right medication; is that correct?</p> <p>14 A Well, we identified issues that were --</p> <p>15 that had a societal benefit, particularly in the</p> <p>16 area of public health, and would have a,</p> <p>17 oftentimes, direct benefit on the patient, and</p> <p>18 where those issues intersected with the interests</p> <p>19 of Endo, those were the issues that I worked on.</p> <p>20 Q And again, if a physician could not</p> <p>21 prescribe one of Endo's products, you would agree</p> <p>22 that that would be negative for Endo's business</p> <p>23 goals?</p> <p>24 MR. DAVIS: Objection to form,</p>

<p style="text-align: right;">Page 78</p> <p>1 foundation.</p> <p>2 THE WITNESS: We believed that it was</p> <p>3 very important for the best interests of the</p> <p>4 patient to have the physician have the ability to</p> <p>5 prescribe the right medication for that patient's</p> <p>6 best healthcare needs. And that was our focus and</p> <p>7 that was our priority.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q Is being profitable a goal that Endo</p> <p>10 has?</p> <p>11 A Yes. We were a commercial enterprise</p> <p>12 while I worked there, and I think they're still a</p> <p>13 commercial enterprise. So I think while it was</p> <p>14 important, we did not work on issues that were</p> <p>15 solely issues driven by Endo's profit. We worked</p> <p>16 on issues where Endo's interests were intersecting</p> <p>17 with those issues that had a benefit to society,</p> <p>18 public health, and the patient's best healthcare</p> <p>19 needs and interests.</p> <p>20 Q And did Endo's lobbying activities in</p> <p>21 this department, did it include writing</p> <p>22 legislation?</p> <p>23 MR. DAVIS: Objection to form,</p> <p>24 foundation.</p>	<p style="text-align: right;">Page 80</p> <p>1 products that -- that serve the important patients</p> <p>2 needs that my companies have -- have made over the</p> <p>3 years.</p> <p>4 Q And when did you invite legislators to</p> <p>5 Endo's facilities?</p> <p>6 A I don't recall.</p> <p>7 Q And did you invite legislators to Endo's</p> <p>8 facilities to learn about any particular opioid</p> <p>9 products?</p> <p>10 A I don't recall.</p> <p>11 Q Any other products?</p> <p>12 A We invited legislators, particularly</p> <p>13 constituent members of Congress and constituent</p> <p>14 members of the state legislature, to tour</p> <p>15 facilities at companies that I've worked at over</p> <p>16 the years to discuss Endo's, or any company that I</p> <p>17 worked at, products and services so that they</p> <p>18 could better understand, you know, the</p> <p>19 technologies and products that were coming forward</p> <p>20 from the company I was working at, and for which</p> <p>21 they represented in Congress or the state</p> <p>22 legislature.</p> <p>23 Q Did your work as a lobbyist for Endo</p> <p>24 include bundling contributions for politicians?</p>
<p style="text-align: right;">Page 79</p> <p>1 THE WITNESS: Sometimes it did.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q And did it include providing drafts of</p> <p>4 legislation to legislative staff?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q Did Endo's lobbying efforts include</p> <p>9 hosting legislators in meetings?</p> <p>10 A I don't know what you mean by the term</p> <p>11 "hosted."</p> <p>12 Q Did Endo either directly -- or strike</p> <p>13 that.</p> <p>14 Did Endo ever invite legislators to</p> <p>15 meetings at places other than legislators'</p> <p>16 offices?</p> <p>17 A I don't recall.</p> <p>18 Q Was that something that you've ever done</p> <p>19 throughout your career?</p> <p>20 A I have invited legislators, constituent</p> <p>21 members of Congress, and state legislators that</p> <p>22 are constituent members of the -- the state</p> <p>23 legislatures to our Endo facilities so that they</p> <p>24 could better understand the technologies and the</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: I don't recall.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q What does -- what does "bundling</p> <p>6 contributions" mean?</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: My understanding is that</p> <p>9 that's a legal term, and -- and I'm not an FEC</p> <p>10 lawyer and I don't want to speculate about what</p> <p>11 the legal definition of that term is.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q Did your -- did your responsibility as a</p> <p>14 lobbyist for Endo include finding donors to make</p> <p>15 contributions to politicians?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Have you ever done this at any of your</p> <p>20 jobs over the years?</p> <p>21 A I don't recall.</p> <p>22 Q Did your responsibilities as a lobbyist</p> <p>23 for Endo include hosting receptions for</p> <p>24 politicians?</p>

<p style="text-align: right;">Page 82</p> <p>1 A What do you mean by "hosting"?</p> <p>2 Q Hosting. Where Endo is the one putting 3 on the event.</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I don't recall.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q And did your responsibilities as a 8 lobbyist for Endo include lobbying the executive 9 branch?</p> <p>10 A They did.</p> <p>11 Q And during your time at Endo, which 12 parts of the executive branch did you lobby?</p> <p>13 A I don't recall.</p> <p>14 Q Did your responsibility as a lobbyist 15 for Endo include lobbying to advocacy groups?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I would not characterize 18 my work with advocacy groups as lobbying. Where 19 there was an intersection between public policy 20 issues that were a benefit to society, 21 particularly in the areas of public health or a 22 benefit to the patient, and those interests 23 intersected with Endo's, and independent third- 24 party organizations had the same -- had come to</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q Did your job at Endo include putting 4 together communication strategies for the media?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: That was certainly not a 7 principal part of my job. That was another 8 department. I might have had views about what the 9 company should do infrequently, but that was not 10 my department.</p> <p>11 MS. AMINOLROAYA: May I have 1785, 12 please.</p> <p>13 MR. DAVIS: Do you mind not putting the 14 exhibits on the screen until the witness has the 15 document in front of him, please. Thank you. (Munroe Exhibit No. 4 was marked 17 for identification.)</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q I'm handing you Exhibit 4. This is an 20 e-mail from you. And for the record, this is 21 ENDO-OPIOID_MDL-02210739. It's E number 1785. 22 This is an e-mail from you to colleagues at Endo, 23 including Lankau and others, dated January 11, 24 2008.</p>
<p style="text-align: right;">Page 83</p> <p>1 the same conclusion on those same issues, those 2 were issues that -- that would have brought us 3 into contact.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q And which independent third-party 6 organizations did you come into contact with 7 during your time at Endo?</p> <p>8 A I don't recall each and every one.</p> <p>9 Q Do you recall any of them?</p> <p>10 A I do recall the American Cancer Society.</p> <p>11 Q Do you recall any other third-party 12 organizations that you interacted with during your 13 time at Endo?</p> <p>14 A Yes.</p> <p>15 Q And which are those?</p> <p>16 A The Pain Care Coalition. The American 17 Pain Foundation. The Alliance for Aging Research. 18 Those are the ones that are top of mind.</p> <p>19 Q And do you recall that Endo provided 20 financial support to the American Pain Foundation?</p> <p>21 A I do recall that.</p> <p>22 Q Do you recall that was a subject of 23 Senator Grassley's investigation?</p> <p>24 A I do.</p>	<p style="text-align: right;">Page 85</p> <p>1 And you state: "Attached for your 2 review are materials that I will use at our 3 discussion next week."</p> <p>4 January 11th, 2008, how long had you 5 been at Endo at this point?</p> <p>6 A I don't recall, but it couldn't have 7 been very long.</p> <p>8 Q So this -- just to orient us, this is at 9 the beginning of your career at Endo.</p> <p>10 A That sounds right.</p> <p>11 Q Okay. And you attached here a 12 presentation that starts on page 5. It's entitled 13 "2008 Government Affairs Executive Team."</p> <p>14 And was this prepared by you?</p> <p>15 A I -- I don't recall this document at 16 all. It's 11 years ago, and so I have no memory 17 of this document, whether I created it or not.</p> <p>18 Q Okay. Your name is on the first 19 cover -- the cover page of this slide deck, 20 correct?</p> <p>21 A Yes. That's what that says.</p> <p>22 Q Any reason to believe you didn't create 23 this document?</p> <p>24 A Well, the document looks pretty complex,</p>

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<p>1 and so I think there would be reason to believe 2 that it could have been created by a consultant 3 that I would have hired, and not me.</p> <p>4 Q And this was a presentation that you 5 were presenting to the group on this e-mail, 6 correct?</p> <p>7 If you take a look at page 1, it says: 8 "Attached for your review are materials that I 9 will use in our discussion next week."</p> <p>10 And then the third sentence there says: 11 "Because of our limited time together, I plan on 12 moving through the slides quickly and want to make 13 sure we have enough time to discuss the priority 14 areas you would like to delve into."</p> <p>15 A I -- I'd like to read this. Because 16 it's 11 years old, so I'd like to --</p> <p>17 Q Sure.</p> <p>18 A -- go through it. (Peruses document.)</p> <p>19 I'm sorry, what's the question now?</p> <p>20 Q Whether this was a presentation that you 21 were presenting to the group on this e-mail.</p> <p>22 A I honestly do not remember this document 23 from 11 years ago. I don't know whether this 24 slide presentation was ever shown. I don't know</p>	<p>1 that I was involved with the document and that I 2 sent the document, but I have no memory of the 3 document from 11 years ago.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q All right. Let's turn to page 10 of the 6 document.</p> <p>7 MR. DAVIS: Take your time if you want 8 to go through it.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q And you're welcome to look at any page 11 of this document. I found what's helped us all 12 move along when we look at documents like this is 13 for me to tell you the page I'm going to be asking 14 about.</p> <p>15 A I'd like to review the document, because 16 this is 11 years ago. So I --</p> <p>17 Q You'd like to review the entire 18 document?</p> <p>19 A Yes, please.</p> <p>20 MS. AMINOLROAYA: Okay. Let's go off 21 the record so --</p> <p>22 MR. DAVIS: No.</p> <p>23 MS. AMINOLROAYA: -- the witness can 24 review the entire document.</p>
<p>1 whether I gave it. I don't recall writing it. 2 It's 11 years ago. A lot has happened in my 3 professional and personal life since then, and I 4 have no recollection of this document whatsoever.</p> <p>5 Q Any reason to believe that you did not 6 direct this document to be written?</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: I think there's no reason 9 to not believe that I sent the document.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q Any reason to believe that this slide 12 deck was not put together at your direction?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't want to speculate 15 about a document that I have no memory of 16 whatsoever on -- as you said, in the early days of 17 my employment in a ten-and-a-half-year career with 18 the company.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And so did you have a -- is it typical 21 for you to put your name on a document that you 22 did not direct or that you were not involved with?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I think it's reasonable</p>	<p>1 MR. DAVIS: He's going to review the 2 document on the record, whether we go off now or 3 not.</p> <p>4 MS. AMINOLROAYA: Well, we'll have 5 the -- Court Reporter, would you mark the time. 6 And I can tell you I'm going to ask you 7 about page 10.</p> <p>8 MR. DAVIS: The tenth slide or the 9 E number?</p> <p>10 MS. AMINOLROAYA: The E number 10. So 11 1785.10.</p> <p>12 THE WITNESS: (Peruses document.)</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q And let me know when you're at page 10, 15 please.</p> <p>16 A (Peruses document.)</p> <p>17 Q Are you at page 10, Mr. Munroe?</p> <p>18 A Not yet.</p> <p>19 Q Okay.</p> <p>20 MR. DAVIS: Do you see the numbers up on 21 top?</p> <p>22 THE WITNESS: Yeah.</p> <p>23 I haven't looked at the entire document.</p> <p>24 I just wanted to familiarize myself generally with</p>

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<p>1 it. So thank you for allowing me to do that.</p> <p>2 And I've now kind of just -- because I</p> <p>3 have no memory of this document from 11 years ago,</p> <p>4 but I have taken just a couple of minutes to</p> <p>5 familiarize myself. So now I'm turning back to</p> <p>6 page 10, so I've got page 10 in front of me.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q Okay. And the cover e-mail here, to</p> <p>9 orient us, if you turn to page 1, this is being</p> <p>10 sent to Lankau. Who is Lankau?</p> <p>11 A Peter Lankau was the CEO.</p> <p>12 Q Thank you.</p> <p>13 And Caroline Manogue?</p> <p>14 A The general counsel.</p> <p>15 Q And David Lee?</p> <p>16 A Chief scientific officer.</p> <p>17 Q Nancy Wysenski?</p> <p>18 A I believe that she was the head of</p> <p>19 commercial.</p> <p>20 Q So this e-mail is being sent -- you were</p> <p>21 sending this e-mail to executives at the company?</p> <p>22 A Yes.</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 document because I have no memory of it whatsoever</p> <p>2 from 11 years ago, but I noticed that the very</p> <p>3 first bullet on this slide is "Focus on the</p> <p>4 patient: The right thing to do."</p> <p>5 And so a hallmark of my work at Endo was</p> <p>6 to work on those issues where there was a benefit</p> <p>7 to society, a public health benefit, a benefit to</p> <p>8 the patient. Right there on slide 28, "Focus on</p> <p>9 the patient: The right thing to do." Those were</p> <p>10 the issues that I worked on at Endo.</p> <p>11 MS. AMINOLROAYA: Would the court</p> <p>12 reporter -- I'm sorry, Leslie, am I remembering</p> <p>13 that correctly?</p> <p>14 THE REPORTER: Yes.</p> <p>15 MS. AMINOLROAYA: Would you mark the</p> <p>16 record, please. And could you tell me the line --</p> <p>17 the line number and the time of the witness's last</p> <p>18 testimony.</p> <p>19 THE REPORTER: Right now, this last</p> <p>20 testimony?</p> <p>21 MS. AMINOLROAYA: Yes.</p> <p>22 THE REPORTER: I have page 74, line 6.</p> <p>23 I don't know if that --</p> <p>24 MS. AMINOLROAYA: Thank you.</p>
Page 91	Page 93
<p>1 Q And is the strategy that you're</p> <p>2 proposing here on page 10 to the executives of the</p> <p>3 company, the Endo government affairs strategy, is</p> <p>4 it to focus on those issues that disproportionately</p> <p>5 impact Endo, place Endo at a competitive advantage</p> <p>6 or disadvantage, impact the company's bottom line</p> <p>7 and/or impact our current and/or pipeline</p> <p>8 products?</p> <p>9 A So I don't want to speak specifically to</p> <p>10 this document because I have no memory of it, but</p> <p>11 I would point you to slide 8, which says: "The</p> <p>12 vision of Endo government affairs is to understand</p> <p>13 and shape the external public policy environment</p> <p>14 to benefit patients and Endo." Which echoes what</p> <p>15 I have said this morning.</p> <p>16 And -- and that strikes a chord with me,</p> <p>17 because we worked on issues at Endo that were a</p> <p>18 benefit to society, a benefit to public health,</p> <p>19 and a benefit to patients, where they intersected</p> <p>20 with Endo's interests. I would also --</p> <p>21 Q Thank you. Mr. -- Mr. Munroe --</p> <p>22 A -- point you to another slide, slide 28,</p> <p>23 where we talk about public policy criteria. And</p> <p>24 again, I don't want to speak directly to this</p>	<p>1 THE REPORTER: -- is the same as yours.</p> <p>2 And it was at 11:14.</p> <p>3 MS. AMINOLROAYA: Thank you.</p> <p>4 MR. DAVIS: And maybe we could mark the</p> <p>5 time of this little back and forth. It probably</p> <p>6 took about the same as Mr. Munroe's answer to your</p> <p>7 question.</p> <p>8 MS. AMINOLROAYA: Move to strike as</p> <p>9 nonresponsive. Mr. -- move to strike Mr. Munroe's</p> <p>10 last answer as nonresponsive.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q Is page 10 of this document telling your</p> <p>13 colleagues at Endo that a strategy of Endo's</p> <p>14 government affairs is to focus on issues that</p> <p>15 disproportionately impact Endo?</p> <p>16 A When I say -- and I want to be</p> <p>17 completely responsive to your question, when I say</p> <p>18 we worked on issues that had a benefit to society,</p> <p>19 public health, and the patient, and Endo, it was</p> <p>20 on the Endo side of that equation, those were</p> <p>21 issues that disproportionately impacted Endo, as</p> <p>22 opposed to those issues which were industrywide</p> <p>23 issues that an organization like pharma or bio.</p> <p>24 So we did work on issues that</p>

<p style="text-align: right;">Page 94</p> <p>1 disproportionately impacted Endo, but also only in 2 the case where there was a benefit to society, 3 public health, or benefit to the patient.</p> <p>4 Q And did Endo's government affairs 5 department have a strategy to place Endo at a 6 competitive -- to focus on issues that placed Endo 7 at a competitive advantage or disadvantage?</p> <p>8 A Again, not speaking to this document 9 that I don't recall in any regard, we did work to 10 advance commercial interests where there was a 11 benefit to society, the public health and a 12 benefit to patients.</p> <p>13 Q And did Endo's government affairs 14 strategy include work on issues that impacts the 15 company's bottom line?</p> <p>16 A We only worked on issues that impacted 17 the company's bottom line when they intersected 18 with benefits to society, the public health, or 19 benefits to patients.</p> <p>20 Q And who made that determination whether 21 an issue benefitted society?</p> <p>22 A Elected and appointed government 23 officials.</p> <p>24 Q So would -- would Endo wait for a</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Who decided which issues Endo's 2 government affairs department worked on?</p> <p>3 A The -- the company's executive team.</p> <p>4 Q And who was that?</p> <p>5 A It was -- I worked for four different 6 CEOs while I was at the company.</p> <p>7 Do you know them or would you like me to 8 name them?</p> <p>9 Q Why don't you name them.</p> <p>10 A Okay. Peter Lankau, Dave Holveck, Rajiv 11 De Silva, and Paul Campanelli.</p> <p>12 And I had four supervisors at Endo that 13 also approved all of my work.</p> <p>14 Q And who were your supervisors at Endo?</p> <p>15 A Carolyn Manogue, Don DeGolyer, Keri 16 Mattox, and Steve Mock.</p> <p>17 Q And how did this process work of 18 deciding what issues Endo's government affairs 19 department would work on?</p> <p>20 A I would say it was multifactorial. We 21 would bring for -- each CEO had a slightly 22 different process. So setting goals and 23 objectives for the company, I would get input from 24 the functional heads of the companies on what they</p>
<p style="text-align: right;">Page 95</p> <p>1 government official to tell them that an issue 2 benefitted society before it would work on an 3 issue?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: We sought to identify 6 those issues for which we believed had a benefit 7 to society, public health, or benefit to the 8 patient, and our ability to successfully work on 9 those projects required us to gather facts and 10 data, and bring them to lawmakers and demonstrate 11 that there was in fact a benefit to society, the 12 public health, or the patient.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q So it was Endo that was making the 15 judgment whether an issue benefitted society.</p> <p>16 MR. DAVIS: Objection to form, 17 mischaracterizes testimony.</p> <p>18 THE WITNESS: You'll have to ask Endo. 19 I'm not Endo.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Well, was it Endo's government affairs 22 department that was deciding the issues it worked 23 on?</p> <p>24 A No.</p>	<p style="text-align: right;">Page 97</p> <p>1 felt were priority issues.</p> <p>2 Government affairs did its own 3 environmental assessment of -- of where there were 4 opportunities to benefit society and Endo. I had 5 supervisorial input.</p> <p>6 And we also had a process to develop 7 public policy positions at Endo that involved -- 8 on nonmaterial issues to the company, the head of 9 the Washington office, a member of the executive 10 team, and the company's subject matter expert or 11 functional head had to all agree on taking a 12 public policy position. If it was a material 13 issue, that group had to agree and the CEO had to 14 agree.</p> <p>15 Q And for these issues, would you identify 16 them for your supervisors or -- or would they 17 identify all issues for you?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: I think it was a -- it was 20 probably a mixture.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q So in making this decision of whether an 23 issue benefitted society, would that judgment come 24 from both you and the executives or your</p>

<p style="text-align: right;">Page 98</p> <p>1 supervisors?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I would say it's -- it was</p> <p>4 a -- an agreed-upon decision to move forward on</p> <p>5 public policy issues that benefitted society, the</p> <p>6 public health, a benefit to patients where they</p> <p>7 intersected with Endo. I would come to an</p> <p>8 agreement with the executives, both my supervisors</p> <p>9 and the executive team, and by utilizing our</p> <p>10 public policy approval process, we would come to</p> <p>11 an agreement on those priority issues that</p> <p>12 benefitted society and patients, and then work on</p> <p>13 them.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q So it was you and the government affairs</p> <p>16 department and your supervisors and the CEOs at</p> <p>17 Endo that were deciding what was beneficial for</p> <p>18 society --</p> <p>19 MR. DAVIS: Object --</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q -- when you were proposing these public</p> <p>22 policies.</p> <p>23 A That's --</p> <p>24 MR. DAVIS: Objection to form.</p>	<p style="text-align: right;">Page 100</p> <p>1 independent third-party organizations, but it was</p> <p>2 disconnected from the work that we've been talking</p> <p>3 about. So I wanted to make that clear, a clear</p> <p>4 delineation that it was not connected to the work</p> <p>5 that I was doing in -- in lobbying and public</p> <p>6 policy.</p> <p>7 MS. AMINOLROAYA: Move to strike as</p> <p>8 nonresponsive, everything after the word</p> <p>9 "organizations."</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q And was one of Endo's government affairs</p> <p>12 department's goals for 2008, on page 34 of the</p> <p>13 document, to protect the company from negative</p> <p>14 government action?</p> <p>15 A I've turned to slide 34 in the deck.</p> <p>16 And I have no memory of this document whatsoever,</p> <p>17 so I don't want to speculate about what it means.</p> <p>18 It's an 11-year-old document.</p> <p>19 Q On page 34 of this document, is the --</p> <p>20 the title of this "Endo Government Affairs 2008</p> <p>21 Goals"?</p> <p>22 A That's what that says.</p> <p>23 Q Thank you.</p> <p>24 And does it continue: "Formal</p>
<p style="text-align: right;">Page 99</p> <p>1 THE WITNESS: That's incorrect.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q If it wasn't you, who -- who was making</p> <p>4 this judgment?</p> <p>5 A It was lawmakers. Elected and appointed</p> <p>6 officials would ultimately decide if there was a</p> <p>7 benefit to society. And they passed the laws and</p> <p>8 they're the government. We weren't the</p> <p>9 government. We were advocating for a certain</p> <p>10 public policy position that we believed would</p> <p>11 benefit society, public health, or patients.</p> <p>12 Q And the issues that you were advocating</p> <p>13 for were issues that Endo believed would benefit</p> <p>14 society. Correct?</p> <p>15 A Certainly Endo, but also other important</p> <p>16 experts, independent third-party organizations.</p> <p>17 We were in tune with patient advocacy</p> <p>18 organizations because we wanted to work on</p> <p>19 projects that were centered on benefits to the</p> <p>20 patient.</p> <p>21 Q And Endo provided financial assistance</p> <p>22 for a number of third-party patient organizations,</p> <p>23 correct?</p> <p>24 A We did -- we did provide donations to</p>	<p style="text-align: right;">Page 101</p> <p>1 execution: Build a plan based on this</p> <p>2 presentation and discussion to protect the company</p> <p>3 from negative government action"?</p> <p>4 A That's what that says.</p> <p>5 Q Thank you.</p> <p>6 And does the next page, page 35,</p> <p>7 continue: "Value added. Core capabilities built</p> <p>8 to realize the value from these activities"? And</p> <p>9 is one of the activities on the left side of the</p> <p>10 page, first circle, "Endo defense against</p> <p>11 government/risk MGT"?</p> <p>12 A I'd just like to look at this document</p> <p>13 for a little bit because it's an 11-year-old</p> <p>14 document, and would like to see it because I have</p> <p>15 no recollection of this document at all.</p> <p>16 Q Sure. And would you just tell me if</p> <p>17 "Endo defense against government/risk management"</p> <p>18 is -- is on page 35 of this document entitled</p> <p>19 "Value added: Core capabilities to realize the</p> <p>20 value from these activities"?</p> <p>21 A This -- this says those words.</p> <p>22 Q Thank you.</p> <p>23 And does the middle of this page have a</p> <p>24 circle -- does the middle circle state "Value"?</p>

<p style="text-align: right;">Page 102</p> <p>1 A It's very interesting that it does, and 2 while I don't remember this document at all, it 3 strikes a chord with me, because we were looking 4 to provide value on issues that were important 5 benefits to society, the public health, and 6 benefits to patients that would really provide 7 value to patients, and also value to Endo. So 8 that strikes a chord with me.</p> <p>9 Q And does it -- does anywhere on this 10 page -- on this page that has a circle with the 11 word "Value" on it, are any of the circles here, 12 do they mention providing value to patients?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't want to speak to 15 this document because I have no recollection of 16 this 11-year-old document.</p> <p>17 What I can tell you about your direct 18 question about value, I do want to answer that 19 question and be responsive. Which is to say we 20 were looking for issues where there was a value to 21 society, a value to the public health, a value to 22 the patients, and where those issues intersected 23 with a value to Endo. So that strikes a chord 24 with me.</p>	<p style="text-align: right;">Page 104</p> <p>1 slide, correct?</p> <p>2 A Well, I don't see it on the slide. I 3 know it would have been a priority for Endo to put 4 the value to patients and the value to society at 5 the forefront of public policy issues that we were 6 considering.</p> <p>7 Q But not important enough to include on 8 this page about "Value added."</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I would have made the 11 discussion of value to society and value to 12 patients at the forefront of any presentation that 13 I would have made to the executive committee, 14 because one cannot be successful in my line of 15 work unless you can demonstrate with facts and 16 data the value to society that -- the public 17 policy issues that you're moving forward with.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Does page 63 of this document identify 20 potential opportunities for Endo's government 21 affairs department?</p> <p>22 A I'm now turning to page 63, just kind of 23 reading along the way. (Peruses document.)</p> <p>24 Your question?</p>
<p style="text-align: right;">Page 103</p> <p>1 BY MS. AMINOLROAYA:</p> <p>2 Q What my question was, does page 35 of 3 this document mention patient benefit anywhere on 4 the page?</p> <p>5 A I really can't speak to this document. 6 I don't recall anything about this document. I 7 don't -- it's an 11-year-old document, and I don't 8 want to speculate about an 11-year-old document.</p> <p>9 Q Sir, I'm not asking you what you can 10 recall. I'm asking you if there are any -- if 11 this page 35 of the document that starts with the 12 words "Value added," whether patient benefit is 13 found anywhere on this page.</p> <p>14 A I know if I would have spoken about this 15 slide, I would have talked about the value to 16 society, public health, and the value to patients, 17 because that was so core to the work I did. It 18 was very much the forefront.</p> <p>19 And I would bring you back to, I believe 20 it was, slide 8, where we said patient focus, you 21 know, had to be our priority. So if this slide 22 says "Value," I know I would have talked about the 23 value to patients.</p> <p>24 Q But that's not found anywhere on this</p>	<p style="text-align: right;">Page 105</p> <p>1 Q So was one of the potential 2 opportunities that was identified in this 2008 3 document that you sent to your colleagues that: 4 "These factors will assist in identifying and 5 educating champions on issues that Endo wants to 6 proactively pursue as well as conveying opposition 7 to issues Endo does not support"?</p> <p>8 A I don't recall anything about this 9 11-year-old document, but what strikes a chord 10 with me is where it says: "Commitment to science- 11 based research to discover novel compounds." And 12 so that would have -- that would have been 13 something that -- that we would be doing, which is 14 to try and communicate facts and data on issues 15 that had a benefit and value to society, the 16 public health, and a benefit to patients, and at 17 the same time were important to Endo.</p> <p>18 MS. AMINOLROAYA: Move to strike as 19 nonresponsive everything after the word 20 "document."</p> <p>21 And would the court reporter mark the 22 record as well. Thank you.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q Did Endo's government affairs strategy</p>

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<p>1 include identifying champions on issues that Endo 2 wants to proactively pursue? 3 A Sometimes, yes. 4 Q And did Endo's government affairs 5 strategy include the creation of a -- a PAC? 6 MR. DAVIS: Objection to form, 7 foundation. 8 THE WITNESS: We did have a PAC at Endo. 9 BY MS. AMINOLROAYA: 10 Q What is a PAC? 11 A A PAC is a political action committee. 12 Q And why did Endo create a PAC? 13 A Because -- because it is the -- one of 14 the only legal ways in which a corporation can 15 organize employees to make contributions, to give 16 elected officials campaign contributions. 17 Q And was it because goodwill only goes so 18 far, elected officials must run campaigns like we 19 run our business? 20 MR. DAVIS: Objection to form. 21 THE WITNESS: Are you reading that from 22 this document? 23 BY MS. AMINOLROAYA: 24 Q I'm asking you that question.</p>	<p>1 page entitled "Why Create a PAC?" Is it: 2 "Goodwill only goes so far, elected officials must 3 run campaigns like we run our business?" Is that 4 what the third bullet states? 5 A That's what that says. 6 Q Thank you. 7 MS. AMINOLROAYA: Can I have 1761, 8 please. 9 (Munroe Exhibit No. 6 was marked 10 for identification.) 11 BY MS. AMINOLROAYA: 12 Q I'm handing you what's been marked as 13 Exhibit 6. It's entitled "3 Waves of the Rise of 14 Opioid Overdose Deaths." And the source of this 15 is the National Vital Statistics System Mortality 16 File. 17 Are you familiar with the National Vital 18 Statistics System? 19 A No. 20 Q Are you familiar with the -- the opioid 21 overdose problem in the country? 22 MR. DAVIS: Objection to form. 23 THE WITNESS: Only what I read about in 24 the press.</p>
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<p>1 A Okay. 2 Q Did Endo create a PAC because goodwill 3 only goes so far, elected officials must run 4 campaigns like Endo runs its business? 5 A In my time lobbying in Washington, I did 6 feel it was important to have a political action 7 committee. I felt it was important at Endo and 8 all of the other companies that I worked for. 9 Q Would you turn to page 40 of the 10 document. 11 And is the third bullet on this page: 12 "Why create a PAC?" Does it state: "Goodwill 13 only goes so far, elected officials must run 14 campaigns like we run our business"? 15 A As I said, I don't recall this 11-year- 16 old document. But I note that in the fourth 17 bullet I say: "It's the only legal way Endo can 18 contribute money to worthy candidates," which is a 19 form of the answer that I just gave you. So that 20 strikes a chord with me. But I don't remember 21 this document at all. 22 Q Okay. And just stick with my question, 23 Mr. Munroe. Maybe I wasn't clear. 24 Is the third bullet of this -- on this</p>	<p>1 BY MS. AMINOLROAYA: 2 Q Have you ever visited the CDC's website? 3 A I have. 4 Q Have you ever seen any material on the 5 CDC's website reflecting the opioid overdoses in 6 the country? 7 A I don't recall. 8 Q Have you ever attended Congressional 9 hearings discussing the opioid epidemic? 10 A I don't recall. 11 Q Have you ever attended meetings 12 discussing the opioid epidemic? 13 A Yes. 14 Q So this document is entitled "3 Waves of 15 the Rise in Opioid Overdoses." 16 And you started at Endo in 2007; is that 17 correct? 18 A I don't recall. 19 Q According to your LinkedIn profile, it 20 states you started at Endo in 2007. Any reason to 21 believe that's incorrect? 22 A No. 23 Q Okay. So let's take a look at this 24 chart.</p>

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<p>1 Do you see three lines here -- three 2 colored lines on this chart?</p> <p>3 A I do.</p> <p>4 Q All right. And what is Wave 1, 5 according to this chart?</p> <p>6 A I have never seen this chart before. I 7 don't know what the information says, and so I 8 don't really want to talk about a document that 9 I'm unfamiliar with.</p> <p>10 I'm not an epidemiologist, I'm not a 11 scientist, I'm not a physician, I'm not a 12 statistician, and I don't want to speculate about 13 a document that I'm seeing for the first time that 14 has lines and -- and dates and numbers and what 15 looks like statistical analysis. So my preference 16 is to just not speculate about the information on 17 this document.</p> <p>18 Q Mr. Munroe, do you see the word "Wave 1" 19 in purple on the left-hand side of this document, 20 the lower left side of the document?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: That -- that's what it 23 says.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 side, there's numbers on the bottom. I don't want 2 to speak to a chart that I'm seeing for the first 3 time because I just don't understand it and I 4 haven't had a chance to study it.</p> <p>5 MS. AMINOLROAYA: Would the court 6 reporter mark the record.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And the first purple -- the first box on 9 the left-hand corner here states: "Wave 1, rise 10 in opioid -- rise in prescription opioid overdose 11 deaths." Correct?</p> <p>12 A That's what that says.</p> <p>13 Q And that covers 1999 to 2005, correct?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I don't want to talk about 16 what -- what that means, because I'm not an 17 epidemiologist, a statistician, a scientist, a 18 physician. I've not studied this document. This 19 is the first time I'm seeing this document. And I 20 don't want to begin to interpret, you know, the 21 relevance of the dates or -- or other information 22 on the chart since this is my first time seeing 23 it, and I haven't studied the document.</p> <p>24 BY MS. AMINOLROAYA:</p>
<p style="text-align: center;">Page 111</p> <p>1 Q Okay. And does it state: "Rise in 2 prescription opioid overdose deaths"?</p> <p>3 A That's what that says.</p> <p>4 Q All right. And does the chart start in 5 1999?</p> <p>6 A I don't want to talk about the 7 information on the chart because I'm just 8 unfamiliar with it, and I don't understand it and 9 I don't know what it means, and this is the first 10 time I'm seeing this information.</p> <p>11 Q Are you saying you don't want to answer 12 my question, Mr. Munroe?</p> <p>13 A I do very much want to say that I'm not 14 a statistician, an epidemiologist, a physician, a 15 scientist, or someone who could interpret this 16 information in a meaningful way. And I don't want 17 to speculate about a document that I've never seen 18 before. That -- that would be my preference.</p> <p>19 Q Sir, I'm not -- I'm not asking you to 20 speculate. I'm asking you whether the first year 21 on this chart is 1999.</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: I don't want to talk about 24 the numbers on the chart. There's numbers on the</p>	<p style="text-align: center;">Page 113</p> <p>1 Q And 2007 is when you began at Endo. And 2 do you see on the left -- the left side of this 3 document, it states: "Deaths per 100,000 4 population"?</p> <p>5 A I disagree with your connecting my 6 employment date at Endo with -- with deaths, 7 and -- and I disagree with that wholeheartedly.</p> <p>8 I worked on issues at Endo in my role in 9 government affairs where there was an intersection 10 between what we identified as being beneficial to 11 society, the public health or the patient, and the 12 interests of Endo. So I disagree with your 13 characterization and -- and the connection of my 14 employment date with this chart.</p> <p>15 Q Sir, my question was, do you see on the 16 left side of this document, it states: "One" -- 17 it states: "Deaths per 100,000 population"?</p> <p>18 A That's what's written along the side 19 here, yeah.</p> <p>20 Q Thank you.</p> <p>21 And do you see that in 2007, the purple 22 line, which refers to commonly prescribed opioids, 23 natural and semisynthetic opioids, and methadone 24 for 2007 corresponds with four deaths per 100,000</p>

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<p>1 population?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I absolutely do not want</p> <p>4 to draw any conclusions about this document that</p> <p>5 I'm seeing for the first time. I am neither an</p> <p>6 epidemiologist, a scientist, a physician, or a</p> <p>7 statistician.</p> <p>8 So I don't -- I don't recognize the</p> <p>9 source of this document. I've not seen this</p> <p>10 document before, and I don't want to begin to</p> <p>11 speculate the meaning of this document and the</p> <p>12 data.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Is Opana ER a commonly prescribed</p> <p>15 semisynthetic opioid?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I was not in product</p> <p>18 development, scientific affairs, research and</p> <p>19 development.</p> <p>20 In my role in government affairs, I</p> <p>21 wouldn't have been able to categorize the nature</p> <p>22 of our -- our products and their chemical makeup.</p> <p>23 That was just not -- that was beyond the scope of</p> <p>24 my position at Endo.</p>	<p>1 BY MS. AMINOLROAYA:</p> <p>2 Q Mr. Munroe, are you having difficulty</p> <p>3 seeing where the purple line is in 2007 on this</p> <p>4 page?</p> <p>5 A I am not having difficulty seeing the</p> <p>6 purple line.</p> <p>7 Q Is the purple line at the number 4?</p> <p>8 MR. DAVIS: Objection to form.</p> <p>9 Answer one more time.</p> <p>10 THE WITNESS: I don't want to answer a</p> <p>11 question about a document and begin interpreting</p> <p>12 it, because I'm not an epidemiologist, a</p> <p>13 scientist, a physician, or a statistician. And I</p> <p>14 don't want to interpret a document that I'm seeing</p> <p>15 for the first time in which I don't even recognize</p> <p>16 the source of the data or the underlying data, and</p> <p>17 I've not studied this document. And so my</p> <p>18 preference is not to speculate about the</p> <p>19 information in the document.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Mr. Munroe, earlier you testified that</p> <p>22 Endo put the patients' interests first, and its</p> <p>23 public policy -- strike that.</p> <p>24 Earlier you testified that in selecting</p>
<p>1 BY MS. AMINOLROAYA:</p> <p>2 Q Is Opana ER or was Opana ER a commonly</p> <p>3 prescribed opioid?</p> <p>4 MR. DAVIS: Objection to form. He just</p> <p>5 answered that question.</p> <p>6 THE WITNESS: I think the word</p> <p>7 "commonly" is something that -- that I would be</p> <p>8 unfamiliar with, because you would associate</p> <p>9 "commonly" with some sort of percentage within the</p> <p>10 opioid market, and again, that was beyond the</p> <p>11 scope of my job. So I would not have the</p> <p>12 information necessary to answer that question</p> <p>13 adequately.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Would you agree that in 2007, the deaths</p> <p>16 per 100,000 population for commonly prescribed</p> <p>17 opioids was four?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 I think Mr. Munroe has been clear that</p> <p>20 he can't interpret this chart. If you want him to</p> <p>21 read the words that are on this piece of paper,</p> <p>22 I -- we can do that, but having him interpret this</p> <p>23 data is something I think he has told you several</p> <p>24 times he's unprepared and unable to do.</p>	<p>1 public policy matters to pursue, Endo put the</p> <p>2 patients' interests first and the benefits to</p> <p>3 society first.</p> <p>4 Do you recall the many times you</p> <p>5 testified to that?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I -- I testified that we</p> <p>8 worked on issues that were benefits to society,</p> <p>9 public health, and the patients that also</p> <p>10 benefitted Endo, and where those two sets of</p> <p>11 principles intersected, those were the issues that</p> <p>12 we worked on.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Do you recall in 2007, prior to</p> <p>15 beginning at Endo, abuse of OxyContin was -- was</p> <p>16 well known?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 MR. NOVY: Objection to form.</p> <p>19 THE WITNESS: I have never been an</p> <p>20 employee of Purdue Pharma, and so I have no</p> <p>21 knowledge of those issues relating to OxyContin.</p> <p>22 So I can't speak for Purdue.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q Did you ever do any consulting work for</p>

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<p>1 Purdue?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: Purdue was a client of the</p> <p>4 Capitol Hill Consulting Group during the time I</p> <p>5 was a consultant lobbyist at the Capitol Hill</p> <p>6 Consulting Group, but I do not recall doing any</p> <p>7 work for the Purdue account.</p> <p>8 (Counsel conferring.)</p> <p>9 (Munroe Exhibit No. 7 was marked</p> <p>10 for identification.)</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q I'm handing you what's been marked as</p> <p>13 Exhibit 7 to your deposition. This is</p> <p>14 PPLC018000 --</p> <p>15 MR. DAVIS: Do you have another one?</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q -- 141199.</p> <p>18 MR. DAVIS: Have another one?</p> <p>19 MS. AMINOLROAYA: Yes.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q It's E number 1743.</p> <p>22 And in May of 2007, is Mr. Rosen of</p> <p>23 Purdue asking you whether you should visit at the</p> <p>24 appropriate time with anyone listed?</p>	<p>1 quote, question mark, hyphen, "both as a mole and</p> <p>2 as an insider to make this group doesn't</p> <p>3 overreach. Thanks, Brian"?</p> <p>4 A That's what that says.</p> <p>5 Q Thank you.</p> <p>6 And does Mr. Rosen respond: "Like the</p> <p>7 idea. Do you suggest anyone"?</p> <p>8 A Again, I don't recall this e-mail</p> <p>9 exchange at all. The only thing that strikes a</p> <p>10 chord for me is where it says "facts and data to</p> <p>11 the nation's drug policies," because that's</p> <p>12 something that I built a career around, which is</p> <p>13 providing facts and data to government officials</p> <p>14 so that we can land on issues that are benefits to</p> <p>15 society, public health, and a benefit to the</p> <p>16 patient where they intersect with our -- my own</p> <p>17 company's goals.</p> <p>18 So that -- that statement about facts</p> <p>19 and data and providing facts and data, that</p> <p>20 strikes a chord with me, but I don't remember this</p> <p>21 e-mail exchange at all.</p> <p>22 MS. AMINOLROAYA: Move to strike</p> <p>23 everything in his last answer.</p> <p>24 And would the court reporter please mark</p>
<p style="text-align: center;">Page 119</p> <p>1 A I don't recall this document at all.</p> <p>2 It's a 12-year-old e-mail. I have no idea what</p> <p>3 this is about.</p> <p>4 Q And does this page -- does -- does this</p> <p>5 e-mail from Mr. Rosen state: "Let's discuss</p> <p>6 whether we should visit at the appropriate time</p> <p>7 with anyone listed. Thanks for yesterday"?</p> <p>8 A That's what this says.</p> <p>9 Q All right. And is -- is your name in</p> <p>10 the "to" line here?</p> <p>11 A Yes. Two names.</p> <p>12 Q And is the date of this e-mail May 11,</p> <p>13 2007?</p> <p>14 A Yes, that's what this says.</p> <p>15 Q And does page 3 of this document list</p> <p>16 current members of the Congressional Caucus on</p> <p>17 Drug Policy?</p> <p>18 A That's what this says.</p> <p>19 Q And is your -- is your response to</p> <p>20 Mr. Rosen on page 1 of the document: "Would it be</p> <p>21 worth trying to get one of our friends to join</p> <p>22 this caucus to," quote, "ensure the government's</p> <p>23 appropriate and measured response based on medical</p> <p>24 facts and data to the nation's drug policies," end</p>	<p style="text-align: center;">Page 121</p> <p>1 the record.</p> <p>2 (Munroe Exhibit No. 8 was marked</p> <p>3 for identification.)</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q It's Exhibit 8. E1777 and</p> <p>6 PPLC019000154246.</p> <p>7 And is this an e-mail from Burt Rosen to</p> <p>8 you and two other individuals at Capitol Hill</p> <p>9 Consulting Group dated July 20th, 2007?</p> <p>10 A That's what this says.</p> <p>11 Q All right. And does Mr. Rosen write to</p> <p>12 you: "Can you discreetly check to see if Senate</p> <p>13 Judiciary is planning any kind of drug abuse</p> <p>14 hearing on July 31st?"</p> <p>15 A That's what this says.</p> <p>16 Q And is the -- is there an article</p> <p>17 included in the body of the e-mail?</p> <p>18 A It appears that that's the case,</p> <p>19 although I have no memory of this e-mail. Bill</p> <p>20 Brewster was not only the chairman of the firm,</p> <p>21 but he was the longtime contract lobbyist for</p> <p>22 Purdue Pharma.</p> <p>23 So I was a healthcare practitioner at</p> <p>24 the firm so I was included on this e-mail, but --</p>

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<p>1 but Bill was the principal recipient of this 2 e-mail. And I don't recall it in any regard. 3 MS. AMINOLROAYA: Move to strike as 4 nonresponsive. 5 BY MS. AMINOLROAYA: 6 Q My question was, is there an article 7 included in the body of the e-mail, and is it -- 8 is it entitled "Mother to face those she blames. 9 Woman's death tied to OxyContin. Drug exec 10 sentenced today"? 11 A That's what that says. 12 Q Thank you. 13 And was Mr. Rosen here asking you and 14 your colleagues at Capitol Hill Consulting Group 15 to see if the Senate Judiciary was planning any 16 kind of drug abuse hearing on July 31st? 17 MR. NOVY: Objection to form. 18 MR. DAVIS: Objection to form. 19 THE WITNESS: Well, that's what this 20 says, and it would not have been unusual for a 21 company lobbyist to make inquiries about what 22 Congressional hearings of various healthcare 23 related committees or other committees of Congress 24 might be holding in the future. That would be a</p>	<p>1 group is the Pain Care Forum, which is organized 2 around several pharmaceutical companies, pain 3 advocacy groups, pain groups, healthcare 4 professionals and hospice organizations"? 5 A That's what this says. 6 Q And does it continue: "Brian Munroe has 7 had past experience with forming similar 8 coalitions, and he has given me several 9 suggestions for growing the Pain Care Forum and 10 for strengthening its effectiveness"? 11 A That's what this says. But this e-mail 12 was not to me and I didn't receive it, and I don't 13 recognize it at all. 14 Q Did you consult for Mr. Rosen in 2007 15 regarding the Pain Care Forum? 16 A I don't recall doing that. 17 Q Do you have any reason to believe that 18 Mr. Rosen's e-mail is not accurate? 19 A I just don't know what this e-mail is 20 about. I don't know whether it was about a 21 prospective consultant opportunity. I don't 22 recall consulting for Burt. So I -- I simply 23 don't recall, and I've never seen this e-mail 24 before in my life.</p>
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<p>1 very routine kind of request. 2 (Munroe Exhibit No. 9 was marked 3 for identification.) 4 BY MS. AMINOLROAYA: 5 Q I'm handing you what's been marked as 6 Exhibit 9. PPLPC023000118882. It's also 7 E-numbered 1739. 8 And is the subject of this e-mail 9 "Invoice from Consultant Munroe"? 10 A I don't recognize this in any regard. 11 Q Is the subject of this e-mail "Invoice 12 from Consultant Munroe"? 13 A Yes. 14 Q Okay. And does Mr. Rosen write to the 15 recipients here: "Brian Munroe is a government 16 affairs consultant. I had the opportunity to hire 17 him as a consultant for a three-month period at 18 \$5,000 per month. In this time frame he assisted 19 me in my capacity as the VP Federal Government 20 Affairs." 21 Is that what Mr. Rosen states here? 22 A Yes. 23 Q And does he continue: "Together we 24 reviewed an organization that I helped found. The</p>	<p>1 Q Well, the e-mail states, fourth 2 sentence: "And together we reviewed an 3 organization that I helped found." 4 Right? So you would agree that's the 5 past tense? 6 A I don't want to comment on this e-mail. 7 This e-mail is not any e-mail that I received. 8 I've never seen it before, so I don't want to try 9 and interpret it. 10 Q You would agree that here Mr. Rosen is 11 stating that you and he reviewed an organization 12 called the Pain Care Forum, and that he provided 13 you with suggestions for growing -- or, rather, 14 that you provided him with grow- -- with 15 suggestions for growing the Pain Care Forum and 16 strengthening its effectiveness? 17 A You'd have to ask Mr. Rosen. 18 Q Do you have any reason to believe that 19 Mr. Rosen would write an e-mail that misrepresents 20 work that you've done for him, and submit that 21 e-mail or submit an invoice -- 22 A You would have to ask -- 23 Q -- to the company? 24 A You would have to ask Mr. Rosen. I</p>

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1 don't know what his intentions are.	1 So, my answer remains the same. I don't
2 Q And you know Mr. Rosen fairly well;	2 want to speculate on a document that's 12 years
3 isn't that correct?	3 old and an e-mail that I've never seen.
4 MR. DAVIS: Objection to form.	4 BY MS. AMINOLROAYA:
5 MR. NOVY: Objection to form.	5 Q And my question is not with respect to
6 THE WITNESS: I do know him well.	6 the document at this time.
7 BY MS. AMINOLROAYA:	7 My question is, do you have any reason
8 Q Do you know him to misstate facts?	8 to believe that Mr. Rosen would inaccurately state
9 MR. DAVIS: Objection to form.	9 facts?
10 MR. NOVY: Objection.	10 MR. DAVIS: Objection to form.
11 THE WITNESS: I don't want to comment	11 THE WITNESS: I have found Mr. Rosen to
12 and interpret an e-mail that Burt sent to some	12 be a -- a man of high integrity.
13 other individual that I don't know. I don't	13 MS. AMINOLROAYA: We can take a break.
14 understand the content of this e-mail. So I don't	14 THE VIDEOGRAPHER: The time is 12:08
15 want to begin to speculate on an interpretation on	15 p.m., and we are going off the record.
16 a 12-year-old e-mail of which I never received.	16 (Lunch recess.)
17 BY MS. AMINOLROAYA:	17 THE VIDEOGRAPHER: The time is 12:46
18 Q Do you know who Ms. Shaw is?	18 p.m., and we're back on the record.
19 A Yes.	19 BY MS. AMINOLROAYA:
20 Q Who is Ms. Shaw?	20 Q Welcome back, Mr. Munroe. We took a
21 A Ms. Shaw is Burt's assistant in the	21 lunch break. We're back on the record.
22 Washington office.	22 In 2009, did the FDA announce that it
23 Q Thank you.	23 would make a REMS requirement for opioids?
24 MR. DAVIS: We're a little bit over an	24 A I don't --
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1 hour and a half. It's after noon. Do you mind if	1 MR. DAVIS: Objection to form.
2 we take a break here?	2 THE WITNESS: -- remember the date.
3 MS. AMINOLROAYA: I'm just about to go	3 BY MS. AMINOLROAYA:
4 through another document. I think we can take a	4 Q At a certain point during your tenure at
5 break after that.	5 Endo, did FDA announce that a REMS would become
6 MR. DAVIS: How long do you think you're	6 applicable to opioids?
7 going to have with the document?	7 MR. DAVIS: Objection to form.
8 MS. AMINOLROAYA: I won't be very long.	8 Foundation.
9 BY MS. AMINOLROAYA:	9 THE WITNESS: I don't -- I don't recall
10 Q And you and Mr. Rosen were close,	10 what FDA was doing ten years ago.
11 correct?	11 BY MS. AMINOLROAYA:
12 MR. DAVIS: Objection to form.	12 Q Are you familiar with the term "REMS"?
13 THE WITNESS: In what regard?	13 A I am.
14 BY MS. AMINOLROAYA:	14 Q And what is a REMS?
15 Q Well, you're friends.	15 A REMS stands for Risk Evaluation
16 A We are friends.	16 Mitigation Strategies.
17 Q And -- and you have no reason to	17 Q And at a certain time during your
18 believe -- do you have no reason -- you have no	18 tenure, did FDA tell your former employer Endo
19 reason to believe that Mr. Rosen would	19 that its opioid Opana ER would become subject to a
20 inaccurately state facts?	20 REMS?
21 MR. DAVIS: Objection to form.	21 MR. DAVIS: Objection to form.
22 THE WITNESS: I don't want to speculate	22 THE WITNESS: My understanding is that
23 on a document, on a 12-year-old e-mail, that I've	23 our company's products were going to be subject --
24 never seen and that I did not receive.	24 opioid products would be subject to REMS. And I

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<p>1 was involved in some of those discussions, but it 2 was outside the scope of my -- my principal 3 duties, and it was the job of regulatory affairs 4 to deal with the specifics of the FDA regulatory 5 implementation.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q And at the time the FDA announced it 8 would implement a REMS for opioids, including 9 Opana ER, were opioids at the center of a major 10 public health crisis?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't want to speak for 13 FDA and their motivations in -- in creating the 14 REMS process for opioids.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q And my question was, when FDA announced 17 it would implement a REMS for opioids, including 18 Opana ER, were opioids at the center of a major 19 public health crisis?</p> <p>20 A I don't know.</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q Were opioid overdoses part of that 24 public health crisis at the time FDA announced it</p>	<p>1 number of recipients, including you, and you can 2 see your name after Micke Brown's name and before 3 Myra Christopher's, a little further down than 4 halfway in the recipient list.</p> <p>5 Do you see "Munroe," comma, "Brian"?</p> <p>6 A Yeah. I'm going to just take a moment 7 to find -- I do -- I do see my name on this 8 e-mail. It looks like it's to 50 or so -- 50, 60, 9 70, 80 -- oh, wow, maybe a hundred people.</p> <p>10 Q Thank you, Mr. Munroe.</p> <p>11 And was this sent to you on March 16th, 12 2009?</p> <p>13 A So ten years ago.</p> <p>14 Q And you note that the attachment here is 15 slides.</p> <p>16 A Let me go back and read this. 17 (Peruses document.)</p> <p>18 Q And the document attaches FDA slides at 19 a March 3rd, 2009 meeting.</p> <p>20 A I have no recollection of receiving this 21 document that's a ten -- that's from ten years 22 ago. I do see the slides you're referring to, but 23 I have no memory of this ten-year-old document.</p> <p>24 Q Thank you.</p>
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<p>1 would implement a REMS for opioids?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I don't know. You would 4 have to ask FDA.</p> <p>5 MS. AMINOLROAYA: Let me have 1998, 6 please.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And would you agree that in 2009 9 prescription opioid and misuse was continuing to 10 grow in the United States?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 Foundation.</p> <p>13 THE WITNESS: While I would like to 14 answer the question directly, I'm just not in a 15 position to, given the fact that I'm not an 16 epidemiologist, a statistician, a physician, or a 17 scientist that's really studied these issues in 18 any detail.</p> <p>19 (Munroe Exhibit No. 11 was marked 20 for identification.)</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q I'm handing you what's been marked as 23 Exhibit 11.</p> <p>24 This is an e-mail from Will Rowe to a</p>	<p>1 And so on page -- E-numbered page 99 -- 2 1999.13, does the bottom slide here state "Scope 3 of the Problem"?</p> <p>4 A It does.</p> <p>5 Q And you stated before that you had no 6 recollection that you received the document. Any 7 reason to believe that you did not receive the 8 document?</p> <p>9 A Well, since a hundred people received it 10 and it's ten years old, there's every reason to 11 believe that I would not recall receiving it.</p> <p>12 Q Oh, no, my question was, is there any 13 reason to believe that you did not receive the 14 document? Not that -- I'm not asking you about 15 your recollection. I'm asking you, is there any 16 reason to believe that you did not receive this 17 e-mail and the attachments?</p> <p>18 A I allow for the possibility that I 19 received this document by e-mail.</p> <p>20 Q But my question was, is there any reason 21 to believe that you didn't receive it?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. AMINOLROAYA:</p>

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<p>1 Q Thank you.</p> <p>2 So page 13 of the document, do you know</p> <p>3 Bob Rappaport?</p> <p>4 A I -- I know of him.</p> <p>5 Q Who's Mr. -- who is Dr. Rappaport?</p> <p>6 A Well, the slide here says that he's, at</p> <p>7 the time, the director of the Division of</p> <p>8 Anesthesia, Analgesia and Rheumatologic --</p> <p>9 Rheumatology products, the Center for Drug</p> <p>10 Evaluation and Research at the Food and Drug</p> <p>11 Administration.</p> <p>12 Q Thank you.</p> <p>13 And does the bottom slide state "Scope</p> <p>14 of the Problem"?</p> <p>15 A That's what that says.</p> <p>16 Q Does the first bullet state: "2000,</p> <p>17 first reports of widespread OxyContin abuse"?</p> <p>18 A That's what that says.</p> <p>19 Q Thank you.</p> <p>20 And does the fourth bullet state: "Risk</p> <p>21 management plans for most ER opioids"?</p> <p>22 A That's what that says.</p> <p>23 Q Do you know what an ER opioid is?</p> <p>24 A Yes.</p>	<p>1 that Endo's government affairs department put</p> <p>2 patients' interests first, benefit to society --</p> <p>3 and the benefit to society first. Do you recall</p> <p>4 that testimony?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: I was referring to a slide</p> <p>7 in a slide deck that I didn't remember that said</p> <p>8 put the patients' interests first, and what I said</p> <p>9 was that that struck a chord with me. Because we</p> <p>10 worked on public policy issues in which the</p> <p>11 benefits to society, the benefits to public</p> <p>12 health, and the benefits to patients intersected</p> <p>13 with the interests of Endo. Those were the issues</p> <p>14 that I worked on.</p> <p>15 So we can have the court reporter read</p> <p>16 back exactly what I said, but I was referring to a</p> <p>17 bullet in the document, "putting patients first."</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q But you testified a number of times that</p> <p>20 Endo's government affairs strategy was to work on</p> <p>21 issues that intersected with benefits to patients</p> <p>22 and society, correct?</p> <p>23 A No question.</p> <p>24 Q And in 2009, in a document you received,</p>
<p style="text-align: center;">Page 135</p> <p>1 Q What is an ER opioid?</p> <p>2 A ER stands for extended release.</p> <p>3 Q Thank you.</p> <p>4 And is Opana ER an ER opioid?</p> <p>5 A I believe it to be so.</p> <p>6 Q Thank you.</p> <p>7 And does the final bullet on this slide</p> <p>8 state: "2009, prescription opioid abuse and</p> <p>9 misuse continues to grow"?</p> <p>10 A That's what this says.</p> <p>11 Q Thank you.</p> <p>12 And turn to page 15, please.</p> <p>13 E-numbered 15.</p> <p>14 And does the bottom slide here state:</p> <p>15 "It's time to take action"?</p> <p>16 A That's what this says.</p> <p>17 Q And is the -- does the first bullet</p> <p>18 under FDA slide stating "It's time to take action"</p> <p>19 state: "Prescription opioids are at the center of</p> <p>20 a major public health crisis of addiction, misuse,</p> <p>21 abuse, overdose, and death"?</p> <p>22 A That's what that says.</p> <p>23 Q Thank you.</p> <p>24 And earlier, Mr. Munroe, you testified</p>	<p style="text-align: center;">Page 137</p> <p>1 FDA told the world that prescription opioids were</p> <p>2 at the center of a major public health crisis,</p> <p>3 correct?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I don't understand the</p> <p>6 question.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q In 2009, FDA told the industry that</p> <p>9 prescription opioids were at the center of a major</p> <p>10 public health crisis of addiction, misuse, opioid</p> <p>11 abuse, overdose, and death. Correct?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: This slide doesn't say</p> <p>14 that. So I -- it doesn't say that.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Does this slide state that -- it's dated</p> <p>17 March 3rd, 2009, right at the beginning on</p> <p>18 page 13.</p> <p>19 Does this slide state: "Prescription</p> <p>20 opioids" -- if we can go to page 15, please --</p> <p>21 "Prescription opioids are at the center of a major</p> <p>22 public health crisis"?</p> <p>23 A That's what this says.</p> <p>24 Q Okay. Thank you.</p>

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<p>1 Did Endo -- in light of this, did Endo 2 ever consider stopping its sales of opioids? 3 MR. DAVIS: Objection to form, 4 foundation. 5 THE WITNESS: I don't know. 6 BY MS. AMINOLROAYA: 7 Q You testified earlier that Endo worked 8 on strategies that put patient interests first, 9 correct? 10 A I testified that our priority was to 11 identify public policy issues where there was a 12 benefit to society, a benefit to the public 13 health, and/or a benefit to patients, and to work 14 on those issues where those principles intersected 15 with the interests of Endo. 16 Q So you would agree that it's a benefit 17 to society that people don't die from opioid 18 overdoses? 19 MR. DAVIS: Objection to form. 20 THE WITNESS: I am -- I would absolutely 21 agree that that would be a benefit to society. 22 That seems to be a common sense position that we 23 don't want people overdosing and dying. 24 BY MS. AMINOLROAYA:</p>	<p>1 scope of my position. 2 BY MS. AMINOLROAYA: 3 Q And I'm just -- I'm not asking you for 4 specifics or what type of marketing was done. I'm 5 asking you whether you know if Endo marketed its 6 opioids. 7 MR. DAVIS: Objection to form, 8 foundation. 9 THE WITNESS: Yes, you're using the term 10 "opioids," plural. So I don't know if Endo 11 marketed opioids, plural. I do not know the 12 answer to that question. 13 BY MS. AMINOLROAYA: 14 Q Do you know if Endo marketed Opana ER? 15 MR. DAVIS: Objection to form. 16 THE WITNESS: My understanding was that 17 they did market Opana ER. 18 BY MS. AMINOLROAYA: 19 Q And do you know if in light of the 20 public health crisis with prescription opioids, 21 Endo ever considered stopping its marketing prior 22 to 2016? 23 MR. DAVIS: Objection to form. 24 THE WITNESS: I don't know.</p>
<p>1 Q But you don't know if Endo ever 2 considered stopping sales of its opioids. 3 MR. DAVIS: Objection to form. 4 THE WITNESS: I don't know. 5 BY MS. AMINOLROAYA: 6 Q And prior to 2016, did Endo ever stop 7 marketing its prescription opioids? 8 MR. DAVIS: Objection to form, 9 foundation. 10 THE WITNESS: I don't know the date that 11 Endo stopped marketing its opioid products. 12 BY MS. AMINOLROAYA: 13 Q Did Endo market its opioid products -- 14 MR. DAVIS: Objection to form. 15 BY MS. AMINOLROAYA: 16 Q -- as a general matter? 17 MR. DAVIS: Objection to form, 18 foundation. 19 THE WITNESS: I actually -- as much as I 20 would like to answer that question very directly, 21 I'm just not in a position to, because I was not 22 in the commercial organization, and I don't want 23 to speak to, you know, what we marketed and how we 24 marketed it, because that was just outside the</p>	<p>1 BY MS. AMINOLROAYA: 2 Q Do you know whether -- you testified 3 earlier that Endo supported the American Pain 4 Foundation, correct? 5 A We gave the American Pain Foundation -- 6 Foundation contributions, if that's the answer to 7 your question. 8 Q And these were financial contributions, 9 correct? 10 A They were financial contributions. 11 Q Did Endo ever consider stopping 12 financial support for the American Pain 13 Foundation -- 14 MR. DAVIS: Objection -- 15 BY MS. AMINOLROAYA: 16 Q -- prior to 2012? 17 MR. DAVIS: Objection to form. 18 THE WITNESS: I don't know. 19 BY MS. AMINOLROAYA: 20 Q In light of the public health crisis 21 with prescription opioids, did Endo ever advocate 22 that states adopt prescribing guidelines like the 23 CDC's guidelines? 24 MR. DAVIS: Objection to form.</p>

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<p>1 THE WITNESS: I don't recall what our -- 2 what our activities were in the states. I had 3 somebody who reported me -- to me handle state 4 government affairs, and so I don't want to speak 5 to details that I really don't recall.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q Do you recall whether Endo ever 8 advocated for federal agencies to adopt opioid 9 prescribing guidelines like the CDC's guidelines?</p> <p>10 MR. DAVIS: Objection to form.</p> <p>11 THE WITNESS: No, I don't recall.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q And so you stated earlier -- you 14 testified earlier that Endo's government affairs 15 strategy was to pursue objectives which 16 intersected with the public health and benefits to 17 society, but when there was a public health crisis 18 and opioids were being abused, misused, people 19 were dying of overdoses, Endo never considered 20 doing any of these things.</p> <p>21 MR. DAVIS: Objection to form. What 22 things?</p> <p>23 THE WITNESS: We undertook -- I was 24 aware that we undertook a number of activities</p>	<p>1 got together monthly and would have discussions 2 about topics related to pain.</p> <p>3 Q And what types of organizations were 4 members of the Pain Care Forum?</p> <p>5 A It was a broad cross-section of 6 companies in the -- in the pain space, both device 7 and -- and drug companies. It was the provider 8 groups, physicians, pharmacists, nurses. It was 9 the pain patient advocacy organizations, like the 10 American Cancer Society, who -- who felt that 11 appropriate pain care treatment was an important 12 goal.</p> <p>13 Q And were distributor trade groups a 14 member of the Pain Care Forum?</p> <p>15 MR. DAVIS: Objection to form, 16 foundation.</p> <p>17 THE WITNESS: I believe they were.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q And what was their interest in the Pain 20 Care Forum?</p> <p>21 A I can't speak for them. You'd have to 22 ask them.</p> <p>23 Q Did you have a role in the Pain Care 24 Forum?</p>
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<p>1 throughout the company aimed at addressing the 2 misuse and abuse of our products and -- and 3 services. So I was involved in some of those 4 directly in terms of contributions to drugfree.org 5 and the National Association of Drug Diversion 6 Investigators, CADCA, and -- and similar 7 organizations. And I know that there were 8 activities going on throughout the company that I 9 was not directly involved with and can't speak to 10 in detail, but those activities to mitigate the 11 misuse and abuse of Endo products were going on 12 from my very first day with the company.</p> <p>13 (Counsel conferring.)</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Mr. Munroe, earlier we talked about the 16 Pain Care Forum. What is the Pain Care Forum?</p> <p>17 A The Pain Care Forum, I think, is -- is 18 accurately named in that it was a forum, a place 19 where people could gather, organizations could 20 gather, that were interested in -- in balancing 21 the needs of the pain patient and the interests of 22 the pain patient with the interests of mitigating 23 the misuse and abuse of pain medicines. So it was 24 a -- a collection of organizations that -- that</p>	<p>1 A I did have a role in the Pain Care 2 Forum. I was a group that we loosely called the 3 executive committee, which was the individuals 4 represented in Washington offices. The Pain Care 5 Forum was open to anybody anywhere who was 6 interested in the pain agenda, and there was a 7 collection of us that were in Washington that had 8 full-time public policy jobs that acted as a -- a 9 bit of an organizing committee.</p> <p>10 Q Who else was an executive committee 11 member of the Pain Care Forum?</p> <p>12 A I don't remember all of the individuals, 13 but I remember Rebecca Kirch from the American 14 Cancer Society. Bob Saner who represented the 15 pain physicians. I believe Wade Delk, who 16 represented the pain nurses.</p> <p>17 Q What organization was --</p> <p>18 A Burt Rosen from pharma -- Purdue Pharma.</p> <p>19 Q What organization was Mr. Saner with?</p> <p>20 A He represented the pain physicians.</p> <p>21 Q And did his organization have a name?</p> <p>22 A It did. The Pain Care Coalition.</p> <p>23 Q And you said Mr. Rosen was also a member 24 of the executive committee of the Pain Care Forum?</p>

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<p>1 A Yes.</p> <p>2 Q And he was at Purdue?</p> <p>3 A Yes.</p> <p>4 Q Any other members on the executive 5 committee?</p> <p>6 A I don't recall.</p> <p>7 Q When did you join the Pain Care Forum?</p> <p>8 A I don't recall.</p> <p>9 Q And if someone wanted to join the Pain 10 Care Forum, how would they go about that?</p> <p>11 A They would send an e-mail to our 12 moderator, Burt Rosen, who would then circulate 13 the -- the request to the executive committee. 14 And it was a pretty open process. I don't recall 15 ever the executive committee rejecting a request. 16 They might have, but -- but I don't recall an 17 instance in which they did.</p> <p>18 This is a pretty open organization. It 19 was really an e-mail list, and you could get your 20 name on the e-mail. We had government officials 21 on the e-mail list. There was no security on the 22 e-mail list. E-mails could be forwarded. The 23 monthly conference call line was an open 24 conference call line. We didn't know who was on</p>	<p>1 Q And where were the quarterly meetings 2 held?</p> <p>3 A I don't recall.</p> <p>4 Q And was -- were the meetings of the Pain 5 Care Forum open to the public?</p> <p>6 A They were not open to the public per se, 7 except that I'm unaware of any situation where 8 anyone who ever showed up at a Pain Care Forum 9 meeting was ever asked to leave. So in that 10 regard, they were as open an organization as I 11 have ever seen or been affiliated with in all of 12 my years in Washington.</p> <p>13 Q Were the meetings of the Pain Care Forum 14 publicized anywhere as far as the details of the 15 meeting date and location?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: They were routinely set on 18 a set schedule so that -- and I don't remember 19 exactly which day of the week, if it was the third 20 Thursday of every month or the second Wednesday of 21 every month.</p> <p>22 But I say a set schedule because in that 23 regard, while they weren't advertised per se, it 24 was widely known and the e-mails were widely</p>
<p>1 the phone. So it was a fairly open organization, 2 as open as any organization as I've been 3 affiliated with in all of my years in Washington.</p> <p>4 Q Did the Pain Care Forum have any members 5 who were -- that did not work in the pain space?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: There were organizations 8 that were on the periphery of the pain space. 9 There were healthcare organizations. For 10 instance, the pharmacists. The pharmacists 11 dispensed all medications, including pain 12 medications, but they were interested in pain 13 policy issues, so they were members of the Pain 14 Care Forum. That's an example of an organization 15 that wasn't strictly a pain organization, but, 16 nonetheless, was -- was on the e-mail list.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q And did the Pain Care Forum hold 19 meetings?</p> <p>20 A Yes. Typic- -- the typical structure 21 was a monthly conference call and a quarterly 22 meeting in which we would seek to have a speaker. 23 Oftentimes the speakers would be government 24 officials.</p>	<p>1 distributed, and there was no security on the 2 e-mails which prevented them from being forwarded 3 in such a way as to create the most open meeting 4 and organization that I've ever been involved with 5 in all my years in Washington.</p> <p>6 MS. AMINOLROAYA: Move to strike as 7 nonresponsive.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q Were the meetings of the Pain Care Forum 10 publicized anywhere?</p> <p>11 MR. DAVIS: Objection to form, asked and 12 answered.</p> <p>13 THE WITNESS: They were publicized in 14 the e-mail that got distributed very widely.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q And was the e-mail distributed to the 17 public?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: Not to my knowledge.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q And what was discussed on the monthly 22 conference call of the Pain Care Forum?</p> <p>23 A Legislative and regulatory issues 24 related to pain. It was a true public policy</p>

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<p>1 discussion.</p> <p>2 Q And who decided what legislative and 3 regulatory issues would be discussed on these 4 calls?</p> <p>5 A That was part of the reason that I 6 described it as such an open organization is that 7 anybody could put any topic on the agenda, and it 8 was automatically accepted. It was a limitless, 9 completely open agenda in which you simply 10 e-mailed the moderator that you are requesting 11 this item be placed on the agenda, and the agenda 12 would then reflect that item.</p> <p>13 Q But members of the public wouldn't know 14 about the meeting, and therefore wouldn't be able 15 to place a topic on the agenda, correct?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I imagine that there are 18 thousands -- not hundreds, but thousands of 19 organizations in Washington, D.C. that are not 20 open to the public and publicize their agendas. 21 The fact that the Pain Care Forum did not do that 22 to me is unremarkable.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q My question was, would members of the</p>	<p>1 to -- to pay for the sandwiches so that no one 2 organization of the Pain Care Forum had to -- to 3 bear the cost of -- of the sandwich lunches.</p> <p>4 Q Do you recall now when you joined the 5 Pain Care Forum?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 (Munroe Exhibit No. 12 was marked 9 for identification.)</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q I'm handing you what's been marked as 12 Exhibit 12.</p> <p>13 A (Peruses document.)</p> <p>14 Q And is this an e-mail that you forwarded 15 to yourself on July 1, 2009, "Subject: Percocet"?</p> <p>16 A I see the e-mail header, and it -- and 17 that appears to be the case, although I have no 18 memory of this ten-year-old e-mail.</p> <p>19 Q And do you see in the attachments line 20 it states: "Attachments: Copy of Pain Care Forum 21 lists"?</p> <p>22 A I do see this attachment.</p> <p>23 Q And on page 5 of the document, do you 24 see a Pain Care Forum directory?</p>
<p style="text-align: center;">Page 151</p> <p>1 public be able to place a topic on the agenda of 2 the Pain Care Forum?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q You were on the executive committee of 7 the Pain Care Forum, but you don't know whether a 8 member of the public could place a topic on the 9 agenda for the monthly Pain Care Forum conference 10 calls?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Did the topics for the monthly 15 conference calls generally revolve around opioids?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Did the Pain Care Forum have a budget?</p> <p>20 A I recall in the beginning years of 21 the -- the Pain Care Forum that it did have a 22 small budget to cover the quarterly sandwich 23 luncheons in which we would attempt to get a 24 speaker. And so there was a small budget created</p>	<p style="text-align: center;">Page 153</p> <p>1 A I do.</p> <p>2 Q Last updated June 2009.</p> <p>3 A Yes, ten years old.</p> <p>4 Q And do you see a number of the Pain Care 5 Forum members listed here?</p> <p>6 A I do.</p> <p>7 Q So I just want to go over a couple of 8 these with you.</p> <p>9 Was Mary Bennett of the American Pain 10 Foundation a member of the Pain Care Forum in June 11 of 2009?</p> <p>12 A I don't recall.</p> <p>13 Q Is that what this document states?</p> <p>14 A Yeah, she's listed here on this 15 document.</p> <p>16 Q And this document states "Pain Care 17 Forum Directory"?</p> <p>18 A That's what that says.</p> <p>19 Q All right. And I just would like to 20 create a chart to help us go along here.</p> <p>21 So this document states that the 22 American Pain Foundation was a member of the Pain 23 Care Forum in 2009, correct?</p> <p>24 MR. DAVIS: Object to the use of any</p>

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<p>1 sort of made-at-the-time exhibits to be shown to</p> <p>2 Mr. Munroe.</p> <p>3 THE WITNESS: Yeah, I just don't</p> <p>4 remember this document at all, and so I don't know</p> <p>5 if it's accurate, inaccurate. I have no memory of</p> <p>6 a ten-year-old e-mail with an attachment that I</p> <p>7 may or may not have opened. So I don't want to</p> <p>8 speak to this document. I'd like to speak to this</p> <p>9 document if I remembered it, but I -- I just don't</p> <p>10 recall this e-mail or -- or any of this</p> <p>11 information.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q Does this document state that the --</p> <p>14 Mary Bennett of the American Pain Foundation was</p> <p>15 on the directory of the Pain Care Forum in June of</p> <p>16 2009?</p> <p>17 A That's what this document does say.</p> <p>18 Q Thank you.</p> <p>19 And have you heard of the American Pain</p> <p>20 Care Forum -- well, we'll just refer to it as</p> <p>21 APF -- actually, I'll use the ELMO here.</p> <p>22 Was Pamela Bennett of Purdue listed as a</p> <p>23 member of the Pain Care Forum in June of 2009?</p> <p>24 A I don't want to commit to who was a</p>	<p>1 you see that Anita Ducca of the Healthcare</p> <p>2 Distribution Management Association is listed as</p> <p>3 in the Pain Care Forum directory in June 2009?</p> <p>4 A Yes. That's what's written here.</p> <p>5 Q And what is the Healthcare Distribution</p> <p>6 Management Association?</p> <p>7 A That's the association of drug</p> <p>8 wholesalers.</p> <p>9 Q And do you know who the members of the</p> <p>10 Healthcare Distribution Management Association</p> <p>11 are?</p> <p>12 A I don't.</p> <p>13 Q Do you know any of the members?</p> <p>14 A I know there's AmerisourceBergen is --</p> <p>15 is -- I understand them to be one of the members.</p> <p>16 And Cardinal Health. And McKesson. Those are the</p> <p>17 three that I recall.</p> <p>18 Q Cardinal and McKesson.</p> <p>19 Do you know if there are other members?</p> <p>20 A I -- I don't know.</p> <p>21 Q Do you see Scott Fishman listed as a</p> <p>22 member of the Pain Care Forum in June of 2009 on</p> <p>23 this page?</p> <p>24 A I -- I do see his name here.</p>
<p style="text-align: center;">Page 155</p> <p>1 member in 2009 or not. My memories of the Pain</p> <p>2 Care Forum are -- are not so clear as to who was a</p> <p>3 member when, and so I don't want to commit to</p> <p>4 that.</p> <p>5 Q Mm-hmm. My question is, is Pamela</p> <p>6 Bennett of Purdue Pharma listed as a -- in the</p> <p>7 directory for the Pain Care Forum in June of 2009?</p> <p>8 A That's what this document says.</p> <p>9 Q Thank you.</p> <p>10 Is Fritz Bittenbender of Cephalon listed</p> <p>11 as a member of the Pain Care Forum in June of</p> <p>12 2009, according to this document?</p> <p>13 A That -- that's what this says.</p> <p>14 Q Thank you.</p> <p>15 And if you turn to page 1950.7, in the</p> <p>16 middle of the page, do you see the -- Anita Ducca</p> <p>17 of the Healthcare Distribution Management</p> <p>18 Association --</p> <p>19 THE VIDEOGRAPHER: Do you want to go</p> <p>20 back on the other one?</p> <p>21 MS. AMINOLROAYA: No, we can stick with</p> <p>22 this, yeah. Thank you. Appreciate that.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q On page 1950.7 of the document, do</p>	<p style="text-align: center;">Page 157</p> <p>1 Q And have you heard -- have you heard of</p> <p>2 the -- we'll use AAPM for the American Academy of</p> <p>3 Pain Medicine?</p> <p>4 A I don't recall.</p> <p>5 Q Does this document state that the</p> <p>6 American Academy of Pain Medicine, Scott Fishman,</p> <p>7 are on the directory of the Pain Care Forum in</p> <p>8 June of 2009?</p> <p>9 A That's what this says.</p> <p>10 Q Thank you.</p> <p>11 And does the next line there state that</p> <p>12 Kimberly France of Covidien is on the directory of</p> <p>13 the Pain Care Forum in June 2009?</p> <p>14 A That's -- that's what this says.</p> <p>15 Q Okay. And is Covidien also known as</p> <p>16 Mallinckrodt?</p> <p>17 A I don't know.</p> <p>18 Q Do you know -- have you heard of the</p> <p>19 company Mallinckrodt?</p> <p>20 A I have.</p> <p>21 Q Do you know if they have a relationship</p> <p>22 with Covidien?</p> <p>23 A I don't know that.</p> <p>24 MR. DAVIS: Objection to form.</p>

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<p>1 BY MS. AMINOLROAYA:</p> <p>2 Q So we'll list Covidien for now.</p> <p>3 If you turn over to page 8, do you see</p> <p>4 that Brad Gary of Allergan Inc. is listed as a</p> <p>5 member of the Pain Care Forum in June 2009?</p> <p>6 A That -- that's what this says.</p> <p>7 Q Thank you.</p> <p>8 And do you see yourself listed as a</p> <p>9 member of the Pain Care Forum on page 11 of the</p> <p>10 document?</p> <p>11 A That's what this says.</p> <p>12 Q Thank you.</p> <p>13 So I'm going to add your name here, or,</p> <p>14 rather, add Endo.</p> <p>15 And do you see Susan Nichol of Johnson &</p> <p>16 Johnson listed as a member of the Pain Care Forum</p> <p>17 in June -- June 2009?</p> <p>18 A That's what this says.</p> <p>19 Q All right. So we'll add Johnson &</p> <p>20 Johnson.</p> <p>21 And if you drop down a few, do you see</p> <p>22 Lisa Robin of the Federation of State Medical</p> <p>23 Boards listed as a member of the Pain Care Forum?</p> <p>24 A I do see that.</p>	<p>1 Brian Munroe deposition.</p> <p>2 MR. DAVIS: I object. The source of</p> <p>3 that document is actually you, not Mr. Munroe.</p> <p>4 MS. AMINOLROAYA: Well, Mr. Davis, if</p> <p>5 you could limit your objections to form consistent</p> <p>6 with the deposition protocol. Thank you.</p> <p>7 MR. DAVIS: If you'd just use actual</p> <p>8 exhibits and not demonstratives that you're</p> <p>9 creating here in the room that are misleading and</p> <p>10 contain information about roughly, I don't know, a</p> <p>11 20th of the names on the list that you've written</p> <p>12 down on that chart, that would be helpful as well.</p> <p>13 MS. AMINOLROAYA: As I said, the</p> <p>14 deposition protocol requires that objections be</p> <p>15 limited to form. I'd appreciate it if you'd</p> <p>16 follow that.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q And other members of the Pain Care Forum</p> <p>19 joined after June 2009, correct?</p> <p>20 A I don't know.</p> <p>21 MS. AMINOLROAYA: Could we have</p> <p>22 Exhibit E1952, please.</p> <p>23 (Munroe Exhibit No. 13 was marked</p> <p>24 for identification.)</p>
<p style="text-align: center;">Page 159</p> <p>1 Q Thank you. I'm just going to add that</p> <p>2 here, FSMB.</p> <p>3 There are a number of other</p> <p>4 organizations listed here as well. Correct?</p> <p>5 A It looks to be a hundred or so, but I</p> <p>6 would -- I haven't counted them, but quite a few.</p> <p>7 Q And these are on a directory of the Pain</p> <p>8 Care Forum as of June 2009, correct?</p> <p>9 A That's what this says, although I can't</p> <p>10 testify to the veracity of the document because I</p> <p>11 just don't remember receiving it, and it's a</p> <p>12 ten-year-old e-mail. So...</p> <p>13 Q Any reason to believe that it's not</p> <p>14 accurate?</p> <p>15 A No.</p> <p>16 Q I'm going to write down Pain Care Forum</p> <p>17 here.</p> <p>18 And so all of these organizations here</p> <p>19 were members of the Pain Care Forum according to</p> <p>20 this document, correct?</p> <p>21 A I can't speak for the other</p> <p>22 organizations and their affiliations with</p> <p>23 independent third-party organizations.</p> <p>24 Q I'll put the source here. This is from</p>	<p style="text-align: center;">Page 161</p> <p>1 BY MS. AMINOLROAYA:</p> <p>2 Q I hand you Exhibit 13.</p> <p>3 And this is an e-mail from you on</p> <p>4 January 4th, 2012, correct?</p> <p>5 A On January 4th, 2012?</p> <p>6 Q Yes.</p> <p>7 A That's what this says, but I would like</p> <p>8 to take a minute to read this because I don't</p> <p>9 recall --</p> <p>10 Q Sure. And --</p> <p>11 A -- sending this e-mail, so I'd like to</p> <p>12 just read it.</p> <p>13 Q And I won't ask you about anything</p> <p>14 before page 11.</p> <p>15 A Okay. (Peruses document.)</p> <p>16 Q And do you see on page 11, Mr. Munroe,</p> <p>17 it states "Pain Care Forum Participating</p> <p>18 Organizations"?</p> <p>19 A That's what this says.</p> <p>20 Q And do you see the American Pain Society</p> <p>21 on the left-hand side? Under --</p> <p>22 A Yes.</p> <p>23 Q -- American Pain Foundation. We'll add</p> <p>24 that here. And we'll use APS for American Pain</p>

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<p>1 Society.</p> <p>2 And do you see on the right side of the</p> <p>3 document towards the end, do you see Teva's name?</p> <p>4 A That's what this says.</p> <p>5 Q I'll add that here.</p> <p>6 And Endo, Purdue, Cephalon, Johnson &</p> <p>7 Johnson, Covidien, Allergan, these are companies</p> <p>8 that sell opioids?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I don't know -- I do know</p> <p>11 that many of them sell opioids, but I don't know</p> <p>12 the product lines for all the companies.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Do you know whether they sell opioids?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I don't know if they all</p> <p>17 sell opioids.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q And you're familiar with Purdue's</p> <p>20 product OxyContin?</p> <p>21 A I am.</p> <p>22 Q And that's an opioid?</p> <p>23 A Yes.</p> <p>24 Q And Cephalon's product Actiq?</p>	<p>1 A It is a defunct advocacy.</p> <p>2 Q Was it a patient advocacy group?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: When?</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q In 2009.</p> <p>7 A I don't know the dates, but I -- I do</p> <p>8 remember them as a patient advocacy organization.</p> <p>9 Q Okay. Patient advocacy organization,</p> <p>10 I'll write that here.</p> <p>11 THE VIDEOGRAPHER: You want to go back</p> <p>12 to the ELMO on the screen?</p> <p>13 MS. AMINOLROAYA: Sure.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q And the APS, is that a medical society?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: The APS?</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q The American Pain Society.</p> <p>20 A I don't recall what APS was.</p> <p>21 Q How about the AAPM?</p> <p>22 A I don't recall.</p> <p>23 Q And the FSMB, do you know what that</p> <p>24 organization is?</p>
<p>1 A What --</p> <p>2 Q Are you familiar with Cephalon's product</p> <p>3 Actiq?</p> <p>4 A Only vaguely.</p> <p>5 Q Is that an opioid?</p> <p>6 A Yes.</p> <p>7 Q And Johnson & Johnson's product Nucynta,</p> <p>8 are you familiar with that product?</p> <p>9 A I'm really not familiar with that</p> <p>10 product.</p> <p>11 Q Are you familiar with Duragesic?</p> <p>12 A I've heard of that product before, but</p> <p>13 I'm not familiar with it.</p> <p>14 Q Is that an opioid?</p> <p>15 A I don't know.</p> <p>16 Q Are you familiar with Covidien's sale of</p> <p>17 generic opioids?</p> <p>18 A I was -- I was not familiar until you</p> <p>19 just said it.</p> <p>20 Q Okay. Are you familiar with Allergan's</p> <p>21 sale of Kadian?</p> <p>22 A No.</p> <p>23 Q And it's the APF, and is that a patient</p> <p>24 advocacy group?</p>	<p>1 A I do know what that organization -- I --</p> <p>2 I know a little bit about them in that they</p> <p>3 represented the state medical boards.</p> <p>4 Q Are they a trade group?</p> <p>5 A I would characterize them more as a</p> <p>6 professional society.</p> <p>7 Q Okay. So I'm going to write "and</p> <p>8 professional society."</p> <p>9 And AmerisourceBergen, Cardinal,</p> <p>10 McKesson, are these distributors of opioids?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: My understanding is that</p> <p>13 they distribute all products, all pharmaceutical</p> <p>14 products.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Do they distribute opioids as well?</p> <p>17 A You would have to ask them.</p> <p>18 Q All right. We'll mark this as</p> <p>19 Exhibit 14.</p> <p>20 (Munroe Exhibit No. 14 was marked</p> <p>21 for identification.)</p> <p>22 MR. DAVIS: I'm going to object to this</p> <p>23 demonstrative that was made here in the day in a</p> <p>24 terribly misleading way as being introduced as an</p>

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1 exhibit. 2 MS. AMINOLROAYA: I'll remind you, 3 Mr. Davis, to keep your objections to form. Thank 4 you. 5 Can I have 1448, please. 6 BY MS. AMINOLROAYA: 7 Q Did the Pain Care Forum develop plans 8 for how professional, medical and advocacy groups 9 should operate? 10 MR. DAVIS: Objection to form. 11 THE WITNESS: The Pain Care Forum was a 12 place where people could have discussions, raise 13 ideas, talk to each other about pain policy 14 matters, and if they so desired, work together on 15 issues that they believed where there was a shared 16 interest. We called it a coalition of the 17 willing. The Pain Care Forum itself did not take 18 public policy positions -- 19 BY MS. AMINOLROAYA: 20 Q Did it develop -- 21 A -- that I'm aware of. 22 Q Did it develop strategies for patient 23 advocacy groups? 24 MR. DAVIS: Objection to form.	1 groups. The two that come to mind are a letter- 2 writing campaign into the FDA, and the circulation 3 of an electronic petition," parentheses, "the 4 American Pain Foundation garnered 4,000 on its 5 REMS position in 48 hours," closed parentheses. 6 Did I read that correctly? 7 A You know, I don't recall anything about 8 this ten-year-old e-mail, but the one part of it 9 that strikes a chord with me is -- is something 10 that we would have done, which is, we need to 11 provide key groups with the full-blown scientific 12 rationale for our position. 13 It was often the case that we would need 14 to provide facts and data to independent third- 15 party organizations on issues where our position 16 seeking benefits to society, public health and 17 patient benefit would coincide with our own at 18 Endo. 19 So that one sentence kind of strikes a 20 chord with me, but the rest of this, I -- I don't 21 remember the contents of a ten-year-old e-mail. 22 MS. AMINOLROAYA: Move to -- 23 MR. DAVIS: Just so the record is 24 clear --
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1 THE WITNESS: I don't know. 2 (Munroe Exhibit No. 15 was marked 3 for identification.) 4 BY MS. AMINOLROAYA: 5 Q I'm handing you Exhibit 15. 6 This is E1448, ENDO-OPIOID_MDL-06146694. 7 And this is an e-mail -- the -- the 8 bottom string on the first page is an e-mail from 9 you to Kevin Wiggins and others on July 1st, 2009. 10 And if you take a look -- 11 A This is -- so this is a ten-year-old 12 e-mail. 13 Q That's correct. If you take a look at 14 the e-mail, it says: "Kevin, thanks for your 15 message." 16 And then if you drop down to the second 17 paragraph, it says: "Forgive me if I am stating 18 the obvious, but I think that we need to undertake 19 the following initiatives with a number of the key 20 groups that belong to the Pain Care Forum, which I 21 will identify later in the memo. Our plan should 22 include, among other things, the following," and 23 the fourth bullet here states: "We should develop 24 specific suggested strategies for each of the	1 MS. AMINOLROAYA: Move to strike the 2 answer as nonresponsive. 3 MR. DAVIS: -- this is the exact same 4 document as Exhibit 12, just for the record. 5 THE REPORTER: I'm sorry, you need to 6 repeat that because -- 7 MR. DAVIS: Just saying this is the 8 exact same document as Exhibit 12, just so the 9 record is clear. 10 MS. AMINOLROAYA: Thanks for that 11 clarification. 12 BY MS. AMINOLROAYA: 13 Q My question was, Mr. Munroe, whether I 14 read correctly the language that's highlighted 15 here, and you provided an answer to something 16 else. 17 But my question was whether I -- I read 18 these highlighted statements correctly? 19 MR. DAVIS: Objection to everything 20 before the actual question. 21 THE WITNESS: Yeah, if you could just 22 restate the question for me, I'd appreciate it. 23 MS. AMINOLROAYA: And I'll ask the court 24 reporter to mark the record as well, mark

<p style="text-align: right;">Page 170</p> <p>1 Mr. Munroe's testimony prior to his last 2 statement. 3 BY MS. AMINOLROAYA: 4 Q Does this -- this e-mail from you to 5 Kevin Wiggins on July 1st, 2009, states: "Kevin, 6 thank you -- thanks for your message." And the 7 last sentence of the second paragraph states: 8 "Forgive me if I am stating the obvious, but I 9 think that we will need to undertake the following 10 initiatives with a number of the key groups that 11 belong to the Pain Care Forum, which I will 12 identify later in the memo. Our plan should 13 include, among other things, the following..." 14 Did I read that correctly up to now? 15 A You actually added another word. 16 Between the words "we" and "need," you added the 17 word "will." 18 Q Okay. We'll try it again. 19 It states here: "Forgive me if I am 20 stating the obvious, but I think that we need to 21 undertake the following initiatives with a number 22 of the key groups that belong to the Pain Care 23 Forum, which I will identify later in the memo. 24 Our plan should include, among other things, the</p>	<p style="text-align: right;">Page 172</p> <p>1 MR. DAVIS: Yeah, actually can we take a 2 quick break? Mr. Munroe just asked. 3 THE WITNESS: I need to take a 4 five-minute -- 5 MR. DAVIS: It's been an hour. 6 THE WITNESS: -- bio break. 7 THE VIDEOGRAPHER: The time is -- 8 MS. AMINOLROAYA: That's fine. 9 THE VIDEOGRAPHER: The time is 1:48 p m. 10 We're going off the record. 11 (Recess.) 12 THE VIDEOGRAPHER: The time is 2:01 p m. 13 and we're back on the record. 14 BY MS. AMINOLROAYA: 15 Q Good afternoon, Mr. Munroe. We took a 16 break. We're back on the record. 17 And we left off with a discussion of the 18 State of Washington's opioid prescribing 19 guidelines, and you said you recall that. 20 A I -- I do recall the issue. I don't 21 recall the details. I had two individuals over my 22 course of time at Endo that ran my state 23 government relations department that would have 24 been more familiar with the details, and it was</p>
<p style="text-align: right;">Page 171</p> <p>1 following..." 2 Did I read that correctly? 3 A That's -- that's what this says. 4 Q And if we drop down to the fourth bullet 5 here, does it state: "We should develop specific 6 suggested strategies for each of the groups. The 7 two that come to mind are a letter-writing 8 campaign into the FDA, and the circulation of an 9 electronic petition," parentheses, "the American 10 Pain Foundation garnered 4,000 on its REMS 11 position in 48 hours," close parentheses. 12 Did I read that correctly? 13 A You -- you did read that one correctly. 14 Q Okay. You can set that aside. 15 MS. AMINOLROAYA: May I have 1957. 16 BY MS. AMINOLROAYA: 17 Q Do you recall your involvement, 18 Mr. Munroe, in an effort to oppose the State of 19 Washington's opioid prescribing guidelines? 20 MR. DAVIS: Objection to form. 21 THE WITNESS: I remember that being an 22 issue while I was at the company, but I don't 23 recall the details. 24 (Witness and counsel conferring.)</p>	<p style="text-align: right;">Page 173</p> <p>1 really so long ago. I do recall that it was 2 during the time when I first joined the company or 3 thereabouts that there was an issue in Washington. 4 Q Yes, that's -- that's a -- in terms of 5 timing, that's an accurate recollection. 6 (Munroe Exhibit No. 16 was marked 7 for identification.) 8 BY MS. AMINOLROAYA: 9 Q I'm handing you what's been marked as 10 Exhibit 16. These are the Interagency Guidelines 11 on Opioid Dosing for Chronic Non-Cancer Pain, and 12 these are from the Agency Medical Directors' Group 13 for the State of Washington, and the date on this 14 is March 2007. 15 And if you take a look at page 2 of the 16 document, this will help orient us with some of 17 the details on the reasons for the guidelines. So 18 if you look at the last paragraph here on the -- 19 the left side of the page, on E-numbered 20 page 1957.2, and for the record this is E1957, it 21 states: "Recent studies indicate an -- an 22 increase in accidental deaths associated with the 23 use of prescription opioids. At the same time 24 there has been a dramatic increase in the average</p>

<p style="text-align: right;">Page 174</p> <p>1 daily morphine equivalent dose, MED, of the most 2 potent Schedule II long-acting opioids."</p> <p>3 Did I read that correctly?</p> <p>4 A Where are we at, which page?</p> <p>5 Q We're on page 2, 1957.2.</p> <p>6 A Okay. Could you read that again, 7 please?</p> <p>8 Q It says: "Recent studies indicate an 9 increase in accidental deaths associated with the 10 use of prescription opioids since 1999. At the 11 same time there has been a dramatic increase in 12 the average daily morphine equivalent dose of the 13 most potent Schedule II long-acting opioids."</p> <p>14 Do you see that?</p> <p>15 A You -- you read that correctly.</p> <p>16 Q Thank you.</p> <p>17 And was Opana ER a Schedule II long- 18 acting opioid?</p> <p>19 A It -- it -- it is.</p> <p>20 Q Thank you.</p> <p>21 And the following sentence goes on to 22 describe the problem that the State of Washington 23 was dealing with. It says: "The overall number 24 of opioid-related deaths more than doubled between</p>	<p style="text-align: right;">Page 176</p> <p>1 issues raised about these guidelines and the 2 issue, but I don't remember the details and I 3 don't remember which members of the Pain Care 4 Forum objected to them and on what basis. I just 5 don't recall.</p> <p>6 This document is from 2007, so that 7 would make it 12 years old.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q In fact, you took the lead, Mr. Munroe, 10 in opposing the State of Washington's opioid 11 prescribing guidelines, correct?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I don't recall really the 14 Washington State issue in any detail. It was so 15 long ago, and it would have been at the very 16 beginning of my tenure at Endo. So I -- I just 17 don't recall the details.</p> <p>18 (Munroe Exhibit No. 17 was marked 19 for identification.)</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q I'm handing you what's been marked as 22 Exhibit 17. This is EPI001775348, E-numbered 23 E1763.</p> <p>24 And this is an e-mail -- the bottom</p>
<p style="text-align: right;">Page 175</p> <p>1 1995 and 2004, and prescription opioid-related 2 deaths now exceed non-prescription opioid-related 3 deaths."</p> <p>4 Did I read that correctly?</p> <p>5 A That's what this says.</p> <p>6 Q Thank you.</p> <p>7 And you'll see on the right side of the 8 page, it tells us the purpose of the guidelines. 9 It says: "The purpose of Part II of the guideline 10 is to assist primary care providers in treating 11 patients whose morphine equivalent dose, MED, 12 already exceeds 120 milligrams per day."</p> <p>13 Do you see that?</p> <p>14 A Well, you skipped over Part I, and then 15 you went to Part II, and you did read the Part II 16 correctly.</p> <p>17 Q Thank you.</p> <p>18 And members of the Pain Care Forum 19 opposed Washington State's opioid prescribing 20 guidelines, these guidelines, correct?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: I am not --</p> <p>23 MS. AMINOLROAYA: (Inaudible.)</p> <p>24 THE WITNESS: I know that there were</p>	<p style="text-align: right;">Page 177</p> <p>1 string here is an e-mail from you to a David 2 Kerr and a number of other individuals dated 3 January 16th, 2008, correct?</p> <p>4 A That's what this indicates, although I 5 have no memory of this 11-year-old e-mail.</p> <p>6 Q And the subject here is: "Washington 7 State Opioid Prescribing Guidelines." And you 8 write to this group, and is Dave Kerr one of your 9 former colleagues at Endo?</p> <p>10 A He -- he -- he is a former colleague. 11 He was a former colleague, yeah.</p> <p>12 Q Do you recognize these as your -- your 13 former colleagues at Endo, these names on the -- 14 the "to" line here?</p> <p>15 A Largely.</p> <p>16 Q And you write to them: "Dear all: I 17 have been asked to lead the effort in the state of 18 Washington to develop a political plan in response 19 to the state's drafting of opioid prescribing 20 guidelines." Correct?</p> <p>21 A That's what this says.</p> <p>22 Q And in fact, you developed an aggressive 23 plan to oppose the State of Washington's 24 guidelines, correct?</p>

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<p>1 A I don't recall any of the details of 2 what actually happened in Washington. This would 3 have been several months after my first joining 4 the company. So despite the accuracy of that 5 first statement, I don't recall any of the details 6 of what went on in Washington.</p> <p>7 And this is, yes, 11 years old.</p> <p>8 Q And you developed a plan to form a 9 ground coalition to respond to the Washington 10 State guidelines.</p> <p>11 MR. DAVIS: Objection to form. 12 (Munroe Exhibit No. 18 was marked 13 for identification.)</p> <p>14 MS. AMINOLROAYA: Exhibit 18.</p> <p>15 MR. DAVIS: Do you have others?</p> <p>16 MS. AMINOLROAYA: I'm sorry.</p> <p>17 MR. DAVIS: Do you have others?</p> <p>18 MS. AMINOLROAYA: Yes.</p> <p>19 MR. DAVIS: May I have them?</p> <p>20 MS. AMINOLROAYA: Do I have other copies 21 of that? I'm not sure. 17 and --</p> <p>22 And we'll go ahead and mark No. 19 -- 23 Exhibit 19 as well.</p> <p>24 (Munroe Exhibit No. 19 was marked</p>	<p>1 indicates.</p> <p>2 Q Mm-hmm. Who is -- do you know who Micke 3 Brown is?</p> <p>4 A The name is familiar, but -- but I --</p> <p>5 I -- I don't recall which organization she's with.</p> <p>6 Q And Scott Fishman, do you know who Scott 7 Fishman is?</p> <p>8 A I know that he was a leading pain 9 physician.</p> <p>10 Q And someone that Endo made payments to?</p> <p>11 A I wouldn't know about the payments to 12 Scott Fishman.</p> <p>13 Q Okay. We'll take a look at those 14 shortly.</p> <p>15 And -- and Mr. Rowe copies you as well, 16 correct?</p> <p>17 A Yes.</p> <p>18 Q And Mr. Rowe writes here: "First item 19 on the call agenda is an update from those on the 20 ground. Brian and I will propose adding 21 Purdue/Endo to the on-the-ground coalition, and 22 having that group hire and direct a lobbyist to 23 develop a plan to stop the train.</p> <p>24 "We have, we believe, sufficient</p>
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<p>1 for identification.)</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q For the record, Exhibit 18 is 4 ENDO-OPIOID_MDL-02210853, and it's E-numbered 5 E1765.</p> <p>6 And Exhibit 19 is E1764, PPLP04301238.</p> <p>7 And on Exhibit 18, Mr. Rowe writes to 8 Micke Brown -- and is that Mr. Rowe -- William 9 Rowe of the American Pain Foundation? In the 10 third e-mail from the bottom. Do you see the 11 e-mail string there from Will Rowe?</p> <p>12 A I -- I don't -- I don't recognize this 13 11-year-old e-mail string, but -- but that is who 14 is -- you're referring to is on this -- this 15 e-mail header.</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q And Mr. Rowe was with the American Pain 18 Foundation at this time on February 11th, 2008?</p> <p>19 A I don't know the exact dates that he was 20 the head of the American Pain Foundation, but that 21 sounds right.</p> <p>22 Q All right. And he writes here to Micke 23 Brown, Scott Fishman and to you, correct?</p> <p>24 A That's what that e-mail header</p>	<p>1 ammunition with all of the position papers coming 2 out against the guideline to attract key political 3 attention to halt the progress on the guideline.</p> <p>4 We also have to" -- "we also" -- excuse me -- "we 5 hope also to have consensus on an alternative 6 guideline, like getting Wash State Medical Board 7 approval of the model guideline."</p> <p>8 Do you see that?</p> <p>9 A You know, I don't recognize this e-mail 10 or these documents, but what does strike a chord 11 to me is at the beginning part of the e-mail where 12 Dionetta Hudzinski writes about the very involved 13 work of the patient advocacy community and the 14 patient groups in Washington, and goes into an 15 incredible level of detail about the work that 16 they're doing.</p> <p>17 And what you've just read says "propose 18 adding Purdue/Endo to the on-the-ground 19 coalition." So it would be adding Purdue/Endo to 20 what is already a very involved, detailed, ongoing 21 list of activities by the American Pain 22 Foundation, the American Pain Society, the 23 American Cancer Society, jointly with the Alliance 24 of State Pain Initiatives, the American Academy of</p>

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<p>1 Pain Management, the Washington chapter of the 2 Academy of Pain Management, Western Pain Society 3 and the Washington-Alaska Pain Initiative.</p> <p>4 So while I'm not familiar with the 5 details of this, that does strike a chord in me 6 that there was a very involved effort in -- in 7 Washington, and that someone might propose to add 8 other members of the Pain Care Forum to this 9 effort.</p> <p>10 Q Did you hear my question, Mr. Munroe?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Okay. My question was whether you saw 15 the language that I read on the document.</p> <p>16 A Could -- could you ask the question 17 again, please?</p> <p>18 Q Yes. I read language here, and I said, 19 Do you see that? And you responded with something 20 totally different.</p> <p>21 A Yeah, I -- I don't know if you 22 accurately read that statement or not. You would 23 have to read it again.</p> <p>24 MS. AMINOLROAYA: Okay. Let -- let's</p>	<p>1 Q And did those potential actions include 2 putting a field general on the ground?</p> <p>3 A Well, the e-mail says that: "It strikes 4 me that we have a couple of options, and I'm open 5 to more."</p> <p>6 So it was very kind of open-ended.</p> <p>7 And it says: "One of the companies with 8 a presence on the ground could step forward and 9 volunteer their company or contract lobbyist to 10 take the lead. We don't have anybody, but perhaps 11 someone does."</p> <p>12 So that to me is an open-ended, 13 suggestive potential route that the company might 14 take, and it would be the kind of suggestion that 15 would be familiar to me. But I can tell you in 16 the State of Washington, which happened at the 17 outset of my tenure with Endo, I don't know and I 18 don't remember what we actually did.</p> <p>19 Q Do you recall that the Pain Care Forum 20 came up with a strategy to respond to the 21 Washington State guidelines?</p> <p>22 A I recall that the Pain Care Forum had 23 lots of discussions about the issue. But I -- and 24 the Pain Care Forum didn't, you know, take public</p>
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<p>1 take a break.</p> <p>2 THE VIDEOGRAPHER: Okay. The time is 3 2:16 p.m. and we're going off the record.</p> <p>4 (Recess.)</p> <p>5 THE VIDEOGRAPHER: The time is 2:28 p.m. 6 and we're back on the record.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q So, Mr. Munroe, you've had a chance to 9 look at Exhibits 18 and 19, correct?</p> <p>10 A Yes.</p> <p>11 Q Do these documents -- you'd agree that 12 Purdue and Endo became involved in an effort to 13 oppose the Washington State guidelines?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: These are 11-year-old 16 e-mails, and I'm not sure whatever came of our 17 efforts. I -- I do not recall the details.</p> <p>18 I know in this e-mail, Exhibit 19, we 19 talk of -- of potential actions that we would 20 take. That's what the e-mail says. I don't 21 remember what happened or whether we did take 22 actions or not. But the e-mail talks about 23 potential actions.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 policy positions itself. Members of the Pain Care 2 Forum took public policy positions. I don't know 3 what came of those discussions at -- at forum 4 meetings.</p> <p>5 Q And do you recall whether the Pain Care 6 Forum or its members came up with a strategy to 7 promote Scott Fishman's responsible opioid 8 prescribing?</p> <p>9 A I don't recall.</p> <p>10 MR. DAVIS: Objection to form.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q Do you recall whether you provided 13 talking points to different groups to advance an 14 opposition to the Washington State guidelines?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I don't recall any of the 17 detail of what actually happened in the state of 18 Washington.</p> <p>19 (Counsel conferring.)</p> <p>20 MR. DAVIS: And just for the record, for 21 the next set of stickers, it's Munroe with a U, 22 not an O.</p> <p>23 (Munroe Exhibit No. 20 was marked 24 for identification.)</p>

<p style="text-align: right;">Page 186</p> <p>1 BY MS. AMINOLROAYA:</p> <p>2 Q I'm handing you what's been marked as</p> <p>3 Exhibit 20.</p> <p>4 This is an e-mail. The second e-mail</p> <p>5 here is from Will Rowe dated January 24th, 2008.</p> <p>6 A So this would be an 11-year-old e-mail.</p> <p>7 Q That -- Mr. Munroe, that -- I did not</p> <p>8 ask a question. You need to wait for a question.</p> <p>9 This is an e-mail from Will Rowe dated</p> <p>10 January 24th, 2008, to you and a number of other</p> <p>11 recipients. Do you see that?</p> <p>12 A You read that correctly.</p> <p>13 Q And is the subject here "Washington</p> <p>14 State Opioid Dosing Guideline"?</p> <p>15 A You read that correctly.</p> <p>16 Q And does this document discuss a</p> <p>17 strategy of this group to promote the FSMB model</p> <p>18 guidelines to the Washington State Medical Board?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: I -- I don't recall this</p> <p>21 e-mail. It's an 11-year-old e-mail, and I don't</p> <p>22 recall seeing it, and so I couldn't tell you what</p> <p>23 it says.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p style="text-align: right;">Page 188</p> <p>1 Q -- take a look at the third paragraph</p> <p>2 here.</p> <p>3 A I just don't recall the substance of</p> <p>4 this discussion that's ongoing, that's written by</p> <p>5 somebody else.</p> <p>6 Q Does the document state that there was a</p> <p>7 consensus on a strategy to promote the FSMB</p> <p>8 guidelines to the Washington State Medical Board?</p> <p>9 A It actually uses the term "FSMB model</p> <p>10 guideline."</p> <p>11 Q Thank you.</p> <p>12 And are these the same model guidelines</p> <p>13 that Endo sponsored?</p> <p>14 MR. DAVIS: Objection to form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: I don't know. I'm not a</p> <p>17 guidelines expert or a physician, and -- and I</p> <p>18 just -- it's out of my scope of position within</p> <p>19 the company.</p> <p>20 MS. AMINOLROAYA: 423.</p> <p>21 (Munroe Exhibit No. 23 was marked</p> <p>22 for identification.)</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q I'm handing you Exhibit 23, Responsible</p>
<p style="text-align: right;">Page 187</p> <p>1 Q Does Mr. Rowe start out by thanking the</p> <p>2 recipients of this e-mail for participating on a</p> <p>3 call about the Washington State Opioid Dosing</p> <p>4 Guidelines?</p> <p>5 A Is that a question?</p> <p>6 Q Yes.</p> <p>7 A What is the question?</p> <p>8 Q Does Mr. Rowe start out by thanking the</p> <p>9 recipients of this e-mail for participating on a</p> <p>10 call about the Washington State Opioid Dosing</p> <p>11 Guidelines?</p> <p>12 A Well, that's not what this says.</p> <p>13 Q What does this say?</p> <p>14 A It says: "Dear all: Thank you -- thank</p> <p>15 you all for participating on the call today on</p> <p>16 this important issue."</p> <p>17 Q And does the e-mail also state that:</p> <p>18 "This group came to consensus on a strategy to</p> <p>19 promote the FSMB guideline to the Washington State</p> <p>20 Medical Board"?</p> <p>21 A I don't know what this -- this says</p> <p>22 because I'm -- I'm unfamiliar with this document.</p> <p>23 Q All right. Why don't you --</p> <p>24 A I don't recall.</p>	<p style="text-align: right;">Page 189</p> <p>1 Opioid Prescribing, A Physicians Guide. It's</p> <p>2 Bates number END00051370, E-numbered E423.</p> <p>3 Do you recognize this --</p> <p>4 A I don't --</p> <p>5 Q -- document?</p> <p>6 A I don't recognize it.</p> <p>7 Q Have you heard of Responsible Opioid</p> <p>8 Prescribing by Scott Fishman before?</p> <p>9 A It does ring a bell, but not in any</p> <p>10 detail.</p> <p>11 Q And is this a book that Endo sponsored?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I don't recall.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q And the -- Exhibit 20 discusses a</p> <p>16 consensus strategy to promote excerpts of</p> <p>17 Dr. Scott Fishman's book, correct?</p> <p>18 A You -- you read that correctly on</p> <p>19 E1852.2.</p> <p>20 Q And this is the same book that Endo</p> <p>21 provided financial support for, correct?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: You know, I -- I don't</p> <p>24 recall, but I -- I'm seeing on page 3, it says:</p>

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<p>1 "This book is sponsored by a consortium of 2 organizations," and it has a list of, I don't 3 know, 20 or so organizations, and our -- our 4 company is on that list. I have no reason to 5 believe that we didn't sponsor it, but I just 6 don't recall.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And Endo didn't only sponsor this 9 particular book of the Federation of State Medical 10 Boards, it provided further support for the 11 Federation of State Medical Boards, correct?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I actually don't know and 14 don't remember.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Do you recall your earlier testimony 17 that you were involved in leading the company and 18 its response to Congressional investigations?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: I do recall the 21 conversation that you and I had earlier today on 22 that topic.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q And that included Senator Grassley's</p>	<p>1 Do you see that?</p> <p>2 A You read that correctly.</p> <p>3 Q And Senator Grassley continued by 4 mentioning recent investigator reporting which 5 showed extensive ties between companies that 6 manufacture and market opioids and nonprofit 7 organizations, such as the American Pain 8 Foundation, the American Pain Society, and other 9 groups, the Federation of State Medical Boards.</p> <p>10 Do you see that?</p> <p>11 A You -- you also read that correctly.</p> <p>12 Q And Endo is one of these pharmaceutical 13 companies that received a letter from Senator 14 Grassley as part of his investigation of this 15 matter. Correct?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: What I remember about this 18 letter -- and it's been some years and we had 19 subsequent Congressional investigations, so I 20 don't remember all the details -- but what I do 21 remember about this Congressional investigation is 22 at the conclusion, after giving them thousands and 23 thousands of documents, the committee ended its 24 investigation with no follow-up and no action</p>
<p>1 investigation, correct?</p> <p>2 A Correct.</p> <p>3 (Munroe Exhibit No. 21 was marked 4 for identification.)</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q This is 21.</p> <p>7 And the page we've marked Exhibit 21, 8 this is E287.1. It's Bates-numbered 9 ENDO-OR-CID-00754369 for the record. And this is 10 a compilation of a few documents produced to us by 11 Endo, including Senator Grassley's letter to Endo 12 dated May 8th, 2012, that starts on 287.12.</p> <p>13 Do you see that letter addressed to 14 David Holbeck?</p> <p>15 A I do.</p> <p>16 Q President and CEO of Endo?</p> <p>17 A Yes, I do.</p> <p>18 Q And on the second page of Senator 19 Grassley's letter, he wrote that: "There is 20 growing evidence that pharmaceutical companies 21 that manufacture and market opioids may be 22 responsible, at least in part, for this epidemic 23 by promoting misleading information about the 24 drug's safety and effectiveness."</p>	<p>1 taken. And we took that as -- as positive news.</p> <p>2 I do remember that at the time.</p> <p>3 MS. AMINOLROAYA: Move to strike as 4 nonresponsive.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q My question was whether Endo was one of 7 the pharmaceutical companies that received a 8 letter from Senator Grassley as part of an 9 investigation into growing evidence that 10 pharmaceutical companies that manufacture opioids 11 may be responsible for the opioid epidemic by 12 promoting misleading information about opioid 13 safety and efficacy.</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: We did receive a letter, 16 as I stated previously, and I -- I see that you -- 17 you've correctly identified David Holbeck as the 18 recipient of a letter from the Committee on 19 Finance and Senator Grassley.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q And Endo provided financial support to a 22 number of pain groups and other nonprofit 23 organizations. Correct?</p> <p>24 A We did provide support to independent</p>

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<p>1 third-party organizations, but it was not 2 connected in any way to our advocacy efforts on 3 Capitol Hill or in state capitals. We sought to 4 undertake government affairs projects where there 5 was an intersection between the benefits to 6 society, public health, and the benefits to 7 patients, and where those interests intersected 8 with our own, we undertook lobbying activity.</p> <p>9 MS. AMINOLROAYA: Move to strike as 10 nonresponsive.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q Did Endo provide financial support to 13 pain groups and other nonprofit organizations?</p> <p>14 A I am aware that we did.</p> <p>15 Q And did Endo respond to Senator 16 Grassley's letter with information as to the 17 financial support it provided to third-party 18 organizations?</p> <p>19 A I believe that that was part of our 20 response.</p> <p>21 Q And if you turn to page 32 of the 22 document, do you see Endo's financial support for 23 the Federation of State Medical Boards?</p> <p>24 A I do see that listed here.</p>	<p>1 THE WITNESS: Yeah, I -- I believe that 2 you read that correctly.</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q And it's being singled out because of 5 criticism that it failed to point out the lack of 6 science supporting the use of opioids for chronic 7 non-cancer pain.</p> <p>8 MR. DAVIS: Objection to form.</p> <p>9 THE WITNESS: That is the -- the charge 10 that Senator Grassley appears to be making in this 11 letter.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q And how many books, according to this 14 letter, were -- of the model policy were 15 distributed?</p> <p>16 A This letter indicates that there were 17 160,000 copies, but I can't, you know, provide any 18 veracity to that because I just don't know.</p> <p>19 Q Any reason to dispute this number?</p> <p>20 A Well, it's a seven-year-old document 21 created by Congressional staff who probably picked 22 up that number from somewhere, but I don't know 23 where. And so I -- I can't speak to that issue 24 because I -- I don't work at the Federation of</p>
<p style="text-align: center;">Page 195</p> <p>1 Q And what is the total amount listed here 2 of funds provided by Endo to the Federation of 3 State Medical Boards?</p> <p>4 A For what time period?</p> <p>5 Q The total here.</p> <p>6 A \$369,025.</p> <p>7 Q And on page 12 of the document -- 8 rather, page 13 --</p> <p>9 A Over a ten-year period.</p> <p>10 Q And on page 13 of the document, this is 11 one of the organizations that the letter describes 12 as having extensive ties with manufacturers.</p> <p>13 Correct?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I'm sorry, where are you 16 referring to?</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q Page 13, middle of the page.</p> <p>19 A That's what Senator Grassley's staff are 20 saying in the letter.</p> <p>21 Q And the Federation of State Medical 22 Boards model policy is singled out here in the 23 following paragraph.</p> <p>24 MR. DAVIS: Objection to form.</p>	<p style="text-align: center;">Page 197</p> <p>1 State Medical Boards and don't know how many 2 copies of their book they distributed.</p> <p>3 Q And this is the book that was identified 4 as part of the consensus strategy that Endo and 5 others came up with to oppose the Washington State 6 medical guidelines, correct?</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: Well, on -- on -- I can 9 speak to that on two -- on two levels. The first 10 is that I don't recall the details of Washington, 11 as I've said before, of what actually happened 12 there. And -- and so -- and what the Federation 13 did with their book, I can't speak for the 14 Federation.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Now, Exhibit 20 states, you would agree, 17 that there was a strategy to promote the FSMB 18 model guidelines in response to the Washington 19 State Opioid Dosing Guidelines.</p> <p>20 A This looks to be an 11-year-old e-mail 21 that I previously said that I did not recall in 22 which -- which you are correct that when you use 23 the term there was a consensus strategy on the 24 call that's being referenced here, but just</p>

<p style="text-align: right;">Page 198</p> <p>1 because there was a consensus strategy, in my work 2 throughout my tenure at Endo, didn't mean that 3 anything ever came of it or that any actions were 4 ever taken, and I don't recall that they were.</p> <p>5 Q Senator Grassley's letter states that 6 160,000 of these books were distributed. Correct?</p> <p>7 A You -- you read the letter correctly.</p> <p>8 Q And Endo opposed the guidelines because 9 they put a limitation on dosing of opioids, 10 correct?</p> <p>11 MR. DAVIS: Objection to form, 12 foundation.</p> <p>13 THE WITNESS: Which -- which guidelines?</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q The Washington State guidelines.</p> <p>16 MR. DAVIS: Same objection.</p> <p>17 THE WITNESS: I don't -- I don't recall 18 the details of the public policy issues we were 19 working on or even if we took any action in the 20 state of Washington. I do remember, as I've 21 stated previously, that there were lots of 22 discussions about Washington, and that there was 23 an issue in Washington. But I don't recall any 24 level of detail about what we did or if we did</p>	<p style="text-align: right;">Page 200</p> <p>1 THE WITNESS: What we cared about was 2 the physician's prerogative to prescribe the right 3 medicine to the appropriate patient at the 4 appropriate time. And -- and that was the basis 5 for our public policy positions on these issues.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q And Endo opposed dosing limits on 8 opioids. Correct?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I don't recall us ever 11 taking a position where we did not put the ideal 12 of having the physician have the right to 13 prescribe the right medicine to the appropriate 14 patient at the right time, and that was the 15 centerpiece of these issues for us. That was the 16 basis for our public policy positions.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q And the CDC came out with guidelines in 19 2016 which proposed limitations on opioid dosing, 20 correct?</p> <p>21 MR. DAVIS: Objection to form, 22 foundation.</p> <p>23 THE WITNESS: I don't -- I don't know 24 the timeline. I don't recall the timeline. But</p>
<p style="text-align: right;">Page 199</p> <p>1 anything in the state of Washington.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q And the -- the fact is, Mr. Endo --</p> <p>4 Mr. Munroe, excuse me, that limitations on doses 5 of opioids is -- is bad for Endo's business.</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: What we cared about in my 8 tenure at Endo was the idea that it was important 9 that the physician prescribe the right medication 10 to the right patient at the right time.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q And Endo didn't only oppose the 13 Washington State's -- or Washington State's 14 efforts to put a limitation on -- on dosing of 15 opioids, it opposed the issue when it came up 16 later, right?</p> <p>17 MR. DAVIS: Objection to form, 18 foundation.</p> <p>19 THE WITNESS: Are you saying generically 20 we opposed guidelines?</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q I'm asking if you opposed limitations on 23 dosing of opioids.</p> <p>24 MR. DAVIS: Objection to form.</p>	<p style="text-align: right;">Page 201</p> <p>1 the CDC did come out with draft guidelines, and we 2 objected vehemently to the process that they used 3 to develop the guidelines.</p> <p>4 And so we believed that a good process 5 would result in good guidelines that allowed the 6 physician to prescribe the right medicine to the 7 appropriate patient at the right time, and that -- 8 that we objected to the process that the CDC had 9 embarked upon in developing their guidelines. And 10 so did many, many organizations throughout 11 Washington, including government agencies.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q Did Endo ever support guidelines that 14 tried to educate doctors on safe limits for dosing 15 opioids?</p> <p>16 A You would have to ask Neil Shusterman, 17 who was our chief medical officer, and he was in 18 charge of guidelines and those kinds of medical 19 scientific issues. That was beyond the scope of 20 my position at Endo.</p> <p>21 Q And did Endo ever pursue a public policy 22 or advocacy that involved opioid guidelines that 23 set limits on dosing?</p> <p>24 MR. DAVIS: Objection to form.</p>

<p style="text-align: right;">Page 202</p> <p>1 THE WITNESS: I recall that the basis 2 for our work on guidelines issues in Washington, 3 D.C., was based on two principles. One, that with 4 regard to the CDC guidelines, good process would 5 produce good guidelines. And the process they 6 created was, you know, just terrible, and so we 7 objected to that process. We also on the 8 proactive side supported a physician's right to 9 prescribe the right medicine to the appropriate 10 patient at the right time.</p> <p>11 So those were the two kind of 12 foundational public policy positions that I recall 13 us taking on these issues in Washington, D.C., 14 during my time as an employee at Endo.</p> <p>15 MS. AMINOLROAYA: Move to strike the 16 entire answer as nonresponsive.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q Mr. Munroe, my question again is simply, 19 did Endo ever pursue a public policy or advocacy 20 that involved opioid guidelines that set limits on 21 dosing?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: I don't recall.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p style="text-align: right;">Page 204</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: Dosing of opioids? If -- 3 if dosing of opioids would have been determined by 4 the physician, we would have been okay with it.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q My question --</p> <p>7 MS. AMINOLROAYA: Move to strike as 8 nonresponsive.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q My question is whether you were aware 11 that limitations on doses of opioids that could be 12 provided to a patient would have had negative 13 consequences for Endo's Opana ER drug.</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I think it would have been 16 a negative consequence on the -- on the patient 17 that's being prescribed the medicine. I think the 18 consequence that we were focused on was the 19 consequence to the patient.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q And are you aware that high doses of 22 opioids are associated with increased risks?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I'm not a medical doctor,</p>
<p style="text-align: right;">Page 203</p> <p>1 Q And do you not recall because Endo never 2 did that?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: Those guideline issues, I 5 was aware that there were discussions in the 6 company about that. And I may have been involved 7 in those discussions. But I don't recall the 8 specifics, and as I said, our chief medical 9 officer, Dr. Neil Shusterman, would have been the 10 employee at Endo who would have had the expertise 11 to hold forth on that subject.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q You were aware, Mr. Munroe, that 14 limitations on opioid dosing would have had very 15 negative consequences for Endo's Opana ER drug?</p> <p>16 MR. DAVIS: Objection to form, 17 foundation.</p> <p>18 THE WITNESS: Pardon me. What's the 19 question?</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q The question is whether you were aware 22 that limitations on dosing of opioids would have 23 had negative financial consequences for Endo's 24 Opana ER drug.</p>	<p style="text-align: right;">Page 205</p> <p>1 and that's outside the scope of my position, so I 2 don't know.</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q So you advocate about opioids for -- for 5 ten years at Endo, and you're not familiar with 6 the risks and benefits of the drugs that you 7 advocate for?</p> <p>8 MR. DAVIS: Objection to form, 9 mischaracterizes testimony.</p> <p>10 THE WITNESS: I am -- I am not medically 11 trained. I'm not a physician, I'm not a 12 scientist, I'm not a sales representative that was 13 medically trained, formally trained on the 14 product.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Sir, your testimony earlier was that 17 your job was to provide facts and data to 18 legislators and politicians, correct?</p> <p>19 A Yes.</p> <p>20 Q But you're not familiar with the facts 21 and the data that show that higher doses of 22 opioids are associated with increased risks.</p> <p>23 MR. DAVIS: Objection to form, 24 mischaracterizes testimony.</p>

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<p>1 THE WITNESS: I would answer that on a 2 couple of fronts. One, I worked on many, many 3 issues. I worked on tax issues, I worked on 4 compounding issues, I worked on various cancer 5 issues. So I worked on lots of issues, so I 6 couldn't be an expert on -- on everything. So we 7 would coordinate the company's public policy 8 positions, including the use of subject matter 9 experts, which I would bring with me to testify on 10 scientific and technical issues, such as Dr. Neil 11 Shusterman, who was our chief medical officer.</p> <p>12 MS. AMINOLROAYA: I'm marking -- let's 13 see.</p> <p>14 (Munroe Exhibit No. 25 was marked 15 for identification.)</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q I'm handing you 1573, which is 18 Exhibit 25. This is ENDO-OPIOID_MDL-01902659. 19 It's E-numbered E1573.</p> <p>20 And the last page of the document, Keri 21 Mattox is writing to John Harlow in March -- on 22 March 15th, 2016.</p> <p>23 Do you see that?</p> <p>24 A I do.</p>	<p>1 A I'm --</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I'm trying to read that.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q And that's on the last page of the 6 document --</p> <p>7 A Oh, the last page.</p> <p>8 Q -- page 4. If you flip over to the very 9 -- it starts at the very end of page 3 and goes to 10 page 4.</p> <p>11 A Okay. (Peruses document.)</p> <p>12 Yes, I -- I see where she says that.</p> <p>13 Q Mm-hmm. And the CDC guidelines were 14 suggesting a limit of 90 MMEs per day of opioids, 15 correct?</p> <p>16 A I -- I don't know what the -- the 17 guidelines scientific measures were and are. I'm 18 just not familiar.</p> <p>19 Q And those guidelines -- the -- the 20 limitations on dosing that the guidelines were 21 suggesting were predicted by Endo to have a 22 significant impact on Opana ER.</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I can only talk about my</p>
<p>1 Q And it's regarding Opana ER doses. And 2 Keri, in investor relations, writes to John and 3 copies Brian Lortie and you.</p> <p>4 A I see that.</p> <p>5 Q In an inquiry about the CDC's guidelines 6 and their impact.</p> <p>7 A I do see that.</p> <p>8 Q And is Ms. -- is Mattox -- Keri Mattox, 9 is that a female?</p> <p>10 A Yes.</p> <p>11 Q And was she one of the boss -- your 12 bosses that you mentioned earlier?</p> <p>13 A Yes.</p> <p>14 Q So Ms. Mattox in investor relations was 15 your supervisor?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: Correct. She was the head 18 of corporate affairs, which included 19 communications, government affairs, investor 20 relations. A number of groups.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q And here she's writing about the impact 23 of the CDC's guidelines to start low and go slow 24 on Opana ER. Correct?</p>	<p>1 work, and my work on the CDC guidelines was that 2 we objected to the process that the CDC used to 3 get to the guidelines that they presented in draft 4 form. And so we believe that good guideline -- a 5 good process would produce good guidelines. So I 6 can only talk about my work.</p> <p>7 I will note that this document is 8 possibly after the guidelines had been finalized. 9 Is that true? If the guidelines had been 10 finalized -- is this an after-the-finalization, 11 simple report of what happened? If that's simply 12 what it is, it is what it is.</p> <p>13 I ask the question because I don't 14 recognize this document.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Well, let's take a look at what the 17 impact of the guidelines would be on Endo's -- 18 Endo's sales.</p> <p>19 And page 1 -- on page 1 here, would you 20 agree that your boss, Ms. Mattox, is writing to 21 you and others, and she states that the guidelines 22 would -- well, let's turn to page 2 of the 23 document.</p> <p>24 Mr. Harlow writes here in the last chain</p>

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<p>1 on page 2 that: "The guidelines will impact the 2 20, 30, and 40 milligram dosages of Opana ER." 3 Bottom of page 2.</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: Well, I can read the 6 document here, as -- as you stated. I think the 7 impact will vary, and we won't need to monitor 8 this closely.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q And he -- he states that the guidelines 11 could impact the 20, 30, and 40 milligram doses of 12 Opana ER, correct?</p> <p>13 A You read that correctly.</p> <p>14 Q And this will translate into a 15 substantial loss of revenue for Opana ER.</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: Yeah, I -- I think it -- 18 there was a certain amount of measured 19 speculation, and -- and I think executives at the 20 company were -- were acting in good faith, trying 21 to understand how this would impact our product 22 line.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q Well, if you go to page 1 of the</p>	<p>1 Q Thank you. 2 And Endo also -- strike that.</p> <p>3 The Pain Care Forum also opposed dosing 4 guidelines or dosing limitations when it came to 5 the label of -- of opioid drugs.</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 Foundation.</p> <p>8 THE WITNESS: Well, the Pain Care Forum 9 didn't take positions. The Pain Care Forum was a 10 forum in which organizations could get together on 11 a monthly basis to have discussions about pain 12 public policy issues.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q But the Pain Care Forum came up with a 15 plan to respond to the PROP petition.</p> <p>16 MR. DAVIS: Objection to form, 17 foundation.</p> <p>18 THE WITNESS: Is there -- is there a 19 question?</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Yes. Did the Pain Care Forum come up 22 with a plan to respond to the PROP petition?</p> <p>23 A I don't recall.</p> <p>24 Q Are you familiar with the PROP petition?</p>
<p>1 document, you see some pretty specific numbers, 2 right? It's not speculation. You have 3 percentages and totals.</p> <p>4 So if you look at the second bullet: 5 "These guidelines could potentially affect Endo's 6 opioid product portfolio." And then it provides a 7 total of 636 million, or 14 percent, of 2016 8 revenue guidance.</p> <p>9 Was this why Endo was opposing dosing 10 limitations on opioids?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I'm unaware of opposition 13 to dosing limits on opioids. I am aware that we 14 opposed the development of -- of guidelines at the 15 CDC because of the -- the bad process they were 16 using, and that we believed that a good process 17 would produce good guidelines.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q But again, Endo never supported dosing 20 guidelines for opioids.</p> <p>21 A I don't know. You'd have to ask Neil 22 Shusterman that question.</p> <p>23 Q Nothing that you recall working on.</p> <p>24 A I don't recall.</p>	<p>1 A Vaguely. 2 (Munroe Exhibit No. 26 was marked 3 for identification.)</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Marked Exhibit 26. It's E1931, 6 ENDO-OPIOID_MDL-01448657.</p> <p>7 And this PROP, Physicians -- does PROP 8 stand for Physicians for Responsible Opioid 9 Prescribing?</p> <p>10 A Yes.</p> <p>11 Q And do you recall that they submitted a 12 Citizens Petition to the FDA requesting a change 13 to the labels of opioids?</p> <p>14 A As I said before, I vaguely remember 15 this, but -- I don't remember the details in 16 specific. I remember that it -- it was an issue, 17 but --</p> <p>18 Q And is this a letter from Mr. Byrne to 19 you and your colleagues at Endo regarding the PROP 20 petition in September 11th of 2013?</p> <p>21 A That's what that e-mail header says. I 22 don't recall this document in particular.</p> <p>23 Q Was the PROP petition seeking to have -- 24 to -- or requesting that the FDA take three</p>

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<p>1 actions: One, strike the term "moderate" from the 2 indication of opioid analgesics for non-cancer 3 pain?</p> <p>4 A You'll have to ask them. I don't know 5 what's in this petition.</p> <p>6 Q Do you have any reason to believe that 7 Mr. Byrne's description here is not accurate?</p> <p>8 A I would have no reason to believe 9 it's -- it's -- it's not accurate.</p> <p>10 Q And was the PROP petition also seeking 11 to have the FDA change the label of opioids to add 12 a maximum daily dose equivalent to 100 milligrams 13 of morphine for non-cancer pain?</p> <p>14 A You -- you did read that correctly.</p> <p>15 Q Thank you.</p> <p>16 And finally, was the PROP petition 17 seeking a change to the label that would add a 18 maximum duration of 90 days for continuous daily 19 use for non-cancer pain?</p> <p>20 A This didn't say anything about labeling 21 that I'm aware of. Unless you can point that part 22 out to me.</p> <p>23 Q Sure. So the first description here 24 talks about striking the term "moderate" from the</p>	<p>1 MS. AMINOLROAYA: Can we have 1926. 2 (Munroe Exhibit No. 27 was marked 3 for identification.)</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q I'm handing you Exhibit 27. This is 6 E-numbered 1926. END00403619.</p> <p>7 And is this an e-mail from Bob Twillman 8 to members of the Pain Care Forum on August 22nd, 9 2012?</p> <p>10 A That's what this says.</p> <p>11 Q And does Mr. Twillman send documents to 12 the PCF members to review so they can formulate 13 responses to the FDA petition -- the PROP petition 14 asking for a label change?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I'm looking to see if I 17 received this e-mail. I did. Okay. I don't 18 recall this e-mail at all and don't know the 19 subject matter.</p> <p>20 I'm sorry. I was trying to see if I -- 21 if I received this e-mail. I am on this list of 22 what looks like a hundred people who received this 23 seven-year-old e-mail.</p> <p>24 So I apologize, what's -- what's the</p>
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<p>1 indication of opioid analgesics.</p> <p>2 A Okay.</p> <p>3 Q And so is the third relief -- or the 4 third request that PROP makes here of FDA that it 5 add a maximum duration of 90 days for continuous 6 daily use of opioids for non-cancer pain?</p> <p>7 A You also read that correctly.</p> <p>8 Q And did the Pain Care Forum come up with 9 a plan for its members to respond to the PROP 10 petition?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't recall. The only 13 thing I recall about the PROP Citizens Petition is 14 I do remember that the FDA refuted the PROP 15 Citizens Petition chapter and verse with facts and 16 data that were extremely impressive.</p> <p>17 BY MS. AMINOLROAYA:</p> <p>18 Q But that -- that was after the Pain Care 19 Forum instructed its members to engage in a -- a 20 letter-writing campaign to the FDA.</p> <p>21 A I don't --</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: I don't recall the 24 activities of the Pain Care Forum at that time.</p>	<p>1 question?</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q Did Mr. -- was Mr. Twillman here sending 4 documents to PCF members to review so they could 5 respond to the PROP petition?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: Well, it actually says: 8 "I'm attaching documents for Pain Care Forum 9 members to review in formulating their own 10 responses to the FDA."</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q Mm-hmm.</p> <p>13 A So that's a -- that's a quote from this 14 document.</p> <p>15 Q Mr. Twillman was -- was circulating 16 documents to help shape the response that FDA 17 would hear.</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: What I remember about this 20 issue is that the FDA responded to the PROP 21 Citizens Petition with withering criticism and 22 facts and data that were overwhelming and 23 impressive in refuting the majority of claims that 24 PROP was making in their Citizens Petition. I do</p>

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<p>1 have a recollection of that.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q And the documents that Mr. Twillman was</p> <p>4 sending to the membership of the Pain Care Forum</p> <p>5 here are of the American Academy of Pain</p> <p>6 Management, some other groups, and the American</p> <p>7 Academy of Pain Medicine. Correct?</p> <p>8 A It -- it looks like you read that</p> <p>9 correctly.</p> <p>10 Q And the American Academy of Pain</p> <p>11 Medicine and the American Academy of Pain</p> <p>12 Management, those are groups that Endo provided</p> <p>13 financial support to, right?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I actually don't recall</p> <p>16 who we gave money to at what level. We did</p> <p>17 support independent third-party organizations</p> <p>18 while I was at Endo with financial support.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And if you turn back to Exhibit 21,</p> <p>21 page 26, do you see that in 2012, Endo paid the</p> <p>22 American Academy of Pain Medicine \$135,000?</p> <p>23 A Yes. And I have no recollection of</p> <p>24 being involved with that donation. It says "pain</p>	<p>1 sought by the PROP petition, correct?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I believe FDA to be</p> <p>4 totally independent and an organization of our</p> <p>5 government that bases its decisions on a</p> <p>6 collection of the data, and, in their view,</p> <p>7 what's -- what's best for American citizens. So</p> <p>8 that's my fundamental belief having worked with</p> <p>9 the FDA for decades.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q Mm-hmm. You've stated, Mr. Munroe, that</p> <p>12 the Pain Care Forum was capable of influencing the</p> <p>13 FDA; isn't that right?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I don't recall saying</p> <p>16 that.</p> <p>17 And as I have said previously, the Pain</p> <p>18 Care Forum did not take public policy positions.</p> <p>19 Members would take positions. And through a free</p> <p>20 association of interaction, groups were free to</p> <p>21 join together to support or oppose legislative or</p> <p>22 regulatory public policy issues.</p> <p>23 MS. AMINOLROAYA: Move to strike</p> <p>24 everything after "I don't recall saying that."</p>
<p style="text-align: center;">Page 219</p> <p>1 education," and so I have no recollection of being</p> <p>2 involved or knowing about that.</p> <p>3 Q And in total, between 1999 and 2012,</p> <p>4 Endo had given the American Academy of Pain</p> <p>5 Medicine over \$1.3 million, correct?</p> <p>6 A Is that an 11-year period? 12-year --</p> <p>7 no, 13-year period.</p> <p>8 Q Is that correct, Mr. Munroe?</p> <p>9 A I -- I wouldn't know about the donations</p> <p>10 or -- to the American Academy of Pain Medicine for</p> <p>11 pain education. That's not something I would have</p> <p>12 been involved with.</p> <p>13 Q This is a submission to a response to</p> <p>14 Senator Grassley, correct?</p> <p>15 A Yes.</p> <p>16 Q And the submission states that Endo</p> <p>17 provided over a million dollars, over \$1.3 million</p> <p>18 to the AAPM.</p> <p>19 A It appears that you're reading that</p> <p>20 correctly.</p> <p>21 Q And after the Pain Care Forum encourages</p> <p>22 its membership to engage in a letter-writing</p> <p>23 campaign to the FDA opposing the PROP petition,</p> <p>24 the FDA doesn't adopt dosing limitations that were</p>	<p style="text-align: center;">Page 221</p> <p>1 1447.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q And the Pain Care Forum came up with a</p> <p>4 plan to influence the FDA's opioid REMS. Do you</p> <p>5 recall that?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 Foundation.</p> <p>8 THE WITNESS: The Pain Care Forum itself</p> <p>9 didn't take public policy positions. It was a</p> <p>10 collection of organizations that would meet</p> <p>11 monthly for -- for networking purposes and for</p> <p>12 sharing information on public policy issues that</p> <p>13 could impact the pain community.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Did the PCF have a REMS task force?</p> <p>16 A I know that the creation of an opioid</p> <p>17 REMS, classwide REMS was the subject of an agenda</p> <p>18 -- of agenda items at the Pain Care Forum. I am</p> <p>19 aware of that, but I don't recall what the details</p> <p>20 were. And my responsibilities at Endo were not --</p> <p>21 did not include regulatory affairs, so that's</p> <p>22 something that Bob Barto and Tara Chapman would</p> <p>23 have taken the lead on.</p> <p>24 Q But you were involved with the PCF REMS</p>

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<p>1 task force, right?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I don't recall being</p> <p>4 involved. I might have seen or communicated about</p> <p>5 the issues, but it would have been at the very</p> <p>6 beginning of that topic being raised. I very</p> <p>7 quickly would have moved my work -- any work that</p> <p>8 I might have done over to Bob Barto and Tara</p> <p>9 Chapman in our regulatory affairs because that was</p> <p>10 really their profession and their scope of</p> <p>11 responsibility.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q All right. Well, let's mark</p> <p>14 ENDO-OPIOID_MDL-03902804 as Exhibit 28. It's</p> <p>15 E1447.</p> <p>16 (Munroe Exhibit No. 28 was marked</p> <p>17 for identification.)</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q And do you see here at the bottom e-mail</p> <p>20 you're reporting to Bob Barto and Demir Bingol?</p> <p>21 On December 11th, you're writing an e-mail to</p> <p>22 them?</p> <p>23 A Yeah, this looks like it's an 11-year-</p> <p>24 old e-mail, and I don't recall it in the least.</p>	<p>1 Q And what did they do at Endo?</p> <p>2 A Bob was in charge of -- of the</p> <p>3 regulatory affairs department, and Demir was in</p> <p>4 our commercial organization.</p> <p>5 Q And did you send them an e-mail on</p> <p>6 December 11th regarding the PCF REMS task force?</p> <p>7 A That's what this says at the top.</p> <p>8 Q And does this e-mail refresh your</p> <p>9 recollection as to whether the PCF voted?</p> <p>10 A No, it does not. And I don't know what</p> <p>11 this is about. This is an 11-year-old e-mail, and</p> <p>12 I have no recollection of this e-mail chain.</p> <p>13 Again, I'll volunteer to -- to read</p> <p>14 through it if you'd like.</p> <p>15 Q Sure. Well, let's take a look at the</p> <p>16 top of page 2.</p> <p>17 And does Bob write to you here stating</p> <p>18 that: "There is going to be a classwide REMS. We</p> <p>19 need to participate in the development</p> <p>20 discussions"?</p> <p>21 A Well, actually, the -- the first e-mail</p> <p>22 appears to be from Will Rowe to about 30 people.</p> <p>23 Q And my question is about the e-mail at</p> <p>24 the top of page 2.</p>
<p>1 Q I asked if you saw that this reflects an</p> <p>2 e-mail that you sent to Bob Barto and Demir Bingol</p> <p>3 and others on December 11th.</p> <p>4 A You've -- you've read that correctly.</p> <p>5 Q And is that what this reflects?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q What this e-mail reflects.</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: Does the e-mail reflect</p> <p>11 what?</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q That you sent -- you're sending an</p> <p>14 e-mail here to Barto and Bingol.</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I don't know what this is.</p> <p>17 This is an 11-year-old e-mail chain of some kind.</p> <p>18 I'd have to read through it.</p> <p>19 Would you like me to read through it?</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q You're welcome to read the document.</p> <p>22 Tell us who Mr. Bingol and Barto are.</p> <p>23 A They were coll- -- former colleagues of</p> <p>24 mine at Endo.</p>	<p>1 A Oh, okay. From Bob.</p> <p>2 Q Yes, mm-hmm.</p> <p>3 A And -- and your question about this</p> <p>4 e-mail from Bob to me is?</p> <p>5 Q Yes. Whether Endo -- the question is,</p> <p>6 what was Bob's view as to whether Endo should be</p> <p>7 participating in these discuss- -- in discussions</p> <p>8 regarding the REMS?</p> <p>9 A Well, it says here that he does not</p> <p>10 object to Endo being a signatory.</p> <p>11 Q Mm-hmm. And that's in response to</p> <p>12 Mr. Rowe's e-mail, which you pointed out, which</p> <p>13 references the Pain Care Forum's continued work on</p> <p>14 REMS.</p> <p>15 A Yeah, I don't recall what that work</p> <p>16 might have been, but I -- I do recall that REMS</p> <p>17 was an issue. And as you can see from this e-mail</p> <p>18 chain, I very quickly was attempting to -- to turn</p> <p>19 this over to the people that had responsibility</p> <p>20 for regulatory affairs in our company.</p> <p>21 Q Mm-hmm. But you had a -- you took a</p> <p>22 turn at a draft letter that was being sent to</p> <p>23 members of the Pain Care Forum.</p> <p>24 A What are you referring to?</p>

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<p>1 Q If you take a look at the second e-mail 2 from the top on page 2, you reference Job 1. What 3 was Job 1?</p> <p>4 A I don't remember this e-mail. So I 5 don't know what it was.</p> <p>6 Q Was Job 1 your work with the APF to 7 redraft the proposed PCF letter on opioid REMS?</p> <p>8 A That -- that's what this says, but I 9 have no memory of this -- what is it? -- 11-year- 10 old e-mail.</p> <p>11 I do recall on this subject that -- of 12 wanting to transfer responsibility of the issue to 13 Bob Barto, because this was his principal job with 14 the company.</p> <p>15 MR. DAVIS: Is now a good time for a 16 break? It's been over an hour or so.</p> <p>17 MS. AMINOLROAYA: I've got a few more in 18 this area, but we can take a break now.</p> <p>19 THE VIDEOGRAPHER: The time is 3:35 p m. 20 We're going off the record.</p> <p>21 (Recess.)</p> <p>22 THE VIDEOGRAPHER: The time is 3:51 p m. 23 and we're back on the record.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 members of the Pain Care Forum did with respect to 2 the FDA Commissioner.</p> <p>3 MS. AMINOLROAYA: Our next exhibit, 4 1750, please.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q Do you recall whether Endo signed on to 7 a -- a letter to the FDA Commissioner along with 8 other manufacturers of opioids and -- and pain 9 advocacy and professional groups?</p> <p>10 A On what topic?</p> <p>11 Q On the topic of the REMS.</p> <p>12 A I -- I don't recall. I know that there 13 were interactions between members of the Pain Care 14 Forum and the FDA, and that they would evolve into 15 the industrywide working group, which was a group 16 that FDA requested that industry form, but the 17 details of that work were done by Bob Barto, who 18 was head of regulatory affairs at Endo.</p> <p>19 Q So would it surprise you if you were 20 involved in this process?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: I might have been involved 23 at the very early stages of discussions involving 24 opioid REMS, but I don't recall specifics.</p>
<p style="text-align: center;">Page 227</p> <p>1 Q Welcome back, Mr. Barto. We took a 2 break, and we're back on the record.</p> <p>3 A Mr. Munroe.</p> <p>4 Q I'm sorry.</p> <p>5 A Yeah, it's okay.</p> <p>6 Q Barto -- Munroe. Thank you. It's late 7 in the afternoon. I may confuse things. I 8 appreciate the reminder.</p> <p>9 Do you recall if the Pain Care Forum 10 also lobbied the FDA Commissioner concerning the 11 REMS?</p> <p>12 A The Pain Care Forum didn't take 13 positions that I'm aware of. The Pain Care Forum 14 was a -- an opportunity for organizations that -- 15 in the pain community and in the healthcare 16 community in Washington to get together on a 17 monthly basis.</p> <p>18 There were times when members of the 19 Pain Care Forum would take a public policy 20 position and invite others to join them. But 21 those are the only efforts that I'm aware of are 22 efforts in which the Pain Care Forum members would 23 get together on a particular issue. I'm unaware 24 of anything that any particular coalition of</p>	<p style="text-align: center;">Page 229</p> <p>1 (Munroe Exhibit No. 29 was marked 2 for identification.)</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q I'm handing you what's been marked as 5 Exhibit 29. It's ENDO-OPIOID_MDL-01485618, and 6 it's E-numbered E1750.</p> <p>7 And the bottom e-mail on the first page, 8 do you see where Mr. Rowe says: "We decided to 9 send our REMS letter to the new leadership at the 10 FDA who assumed office today"? And this is dated 11 January 20th, 2009.</p> <p>12 A I do see that.</p> <p>13 Q And did Endo sign on to this letter?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I actually don't remember. 16 I'm now looking at the letter, and it does show 17 Endo Pharmaceuticals as signatory on the letter.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q And did Endo sign this letter with other 20 manufacturers?</p> <p>21 A Actually, with the Alliance of State 22 Pain Initiatives, the American Academy of Pain 23 Management, the American Academy of Pain Medicine, 24 the American Cancer Society, the American Chronic</p>

<p style="text-align: right;">Page 230</p> <p>1 Pain Association, the American Pain Foundation, 2 the American Pain Society, the American Pharmacist 3 Association, the American Society of Pain 4 Educators, the American Society of Pain Management 5 Nursing, Center for Practical Bioethics, National 6 Hospice and Palliative Care Organization, National 7 Pain Foundation, Pain and Policy Study Group, 8 and -- and -- and some companies. 9 Q And the American Pain Foundation, 10 American Pain Society, as we've seen in -- in 11 Endo's response to Senator Grassley's letter, are 12 organizations that Endo provided financial support 13 to, correct?</p> <p>14 MR. DAVIS: Objection to form. 15 THE WITNESS: That's what those 16 documents from Senator Grassley -- the response to 17 Senator Grassley showed. 18 BY MS. AMINOLROAYA: 19 Q Thank you. 20 And Endo, along with these other 21 organizations, were writing to tell the Acting 22 Commissioner on his first day on the job, Frank 23 Torti, Dr. Torti, about its concerns over the 24 REMS.</p>	<p style="text-align: right;">Page 232</p> <p>1 e-mail, and I have no recollection of what the 2 back and forth was or -- or, actually, even what 3 happened. 4 BY MS. AMINOLROAYA: 5 Q Okay. Well, we'll take a look at some 6 of that right now. 7 A Okay. 8 Q And do you recall if the Pain Care Forum 9 drafted a letter that contained a consensus 10 statement of the PCF members regarding REMS? 11 A I don't recall. 12 Q I'm marking as Exhibit 30 EPI001789493, 13 and this is E1749. 14 (Munroe Exhibit No. 30 was marked 15 for identification.) 16 BY MS. AMINOLROAYA: 17 Q And in the middle e-mail here, are you 18 telling Mr. Barto -- or are you sending Mr. Barto 19 a draft of a -- a Pain Care Forum draft consensus 20 letter regarding opioid -- an opioid classwide 21 REMS proposal? 22 A I don't know what this says. I'm 23 looking at this 11-year-old e-mail, and I have no 24 recollection of -- of sending this e-mail. So,</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. DAVIS: Objection to form. 2 THE WITNESS: I don't recall this 3 ten-year-old e-mail which was sent to all these 4 folks or the attachment. 5 BY MS. AMINOLROAYA: 6 Q Endo was trying to get a seat at the 7 table -- 8 MR. DAVIS: Objection to form. 9 BY MS. AMINOLROAYA: 10 Q -- in the discussion of the REMS. 11 A The principal decision maker on REMS at 12 the company while I was there was Bob Barto, who 13 ran our regulatory affairs department, so you'd 14 have to ask him. 15 BY MS. AMINOLROAYA: 16 Q Well, you seem to be following this very 17 closely. 18 If you look at the top of -- of 19 Exhibit 29, you tell Mr. Barto that you'll follow 20 up with steps as they are formulated by the Pain 21 Care Forum. 22 MR. DAVIS: Objection to form. 23 THE WITNESS: That's what that says. 24 You read that correctly. But it's a ten-year-old</p>	<p style="text-align: right;">Page 233</p> <p>1 I'm sorry, I just don't remember. 2 Q Well, we're looking at this e-mail today 3 because Endo didn't provide these documents to the 4 FDA or to the public when they authored them, when 5 you authored them, when other members of Endo or 6 employees of Endo authored them 10 or 11 years 7 ago, so I'm not sure what the significance of the 8 date that you keep referencing is. If you have a 9 reason to believe that this e-mail is not 10 something you received, let me know, please. 11 And so does this e-mail reflect that you 12 sent Mr. Barto a copy of a draft consensus letter 13 from the Pain Care Forum regarding an opioid 14 classwide REMS proposal? 15 MR. DAVIS: Objection to everything 16 before the actual question. 17 THE WITNESS: I -- I actually don't 18 recall what this 11-year-old e-mail is about. 19 BY MS. AMINOLROAYA: 20 Q Well, if you take a look at the first 21 e-mail here from Will Rowe, he states: "Attached 22 is the beginning of a draft of a possible 23 collaborative communication to the FDA regarding 24 the development of a classwide REMS for opioid</p>

<p style="text-align: right;">Page 234</p> <p>1 medicines."</p> <p>2 And do you see you're on the chain</p> <p>3 below, and it appears that you're sending this to</p> <p>4 your colleagues at Endo.</p> <p>5 A You -- you read that correctly.</p> <p>6 Q Well, I'm asking if that's what you see</p> <p>7 in the e-mail here.</p> <p>8 A And I'm responding that what you just</p> <p>9 read, you read from the e-mail, and you did read</p> <p>10 it correctly. I don't recall what was in the</p> <p>11 e-mail because it's 11 years old, and I don't know</p> <p>12 whether I got a million e-mails while I was at</p> <p>13 Endo or two million, but I got a lot of them, and</p> <p>14 I don't remember this 11-year-old e-mail. But you</p> <p>15 did read it correctly what you did read.</p> <p>16 Q And did you ever suggest that a</p> <p>17 product-specific REMS might be a way for Endo to</p> <p>18 gain a competitive advantage over Purdue?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: I -- I don't recall that</p> <p>21 subject.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q Endo didn't support a product-specific</p> <p>24 REMS, though, correct?</p>	<p style="text-align: right;">Page 236</p> <p>1 was an agenda item at the Pain Care Forum, and</p> <p>2 there were discussions, but I don't recall the</p> <p>3 details of what they were.</p> <p>4 (Munroe Exhibit No. 31 was marked</p> <p>5 for identification.)</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q I've just handed you Exhibit 31. This</p> <p>8 is ENDO-OPIOID_MDL-1134277, and its E number is</p> <p>9 881.</p> <p>10 And did you provide an update to your</p> <p>11 colleagues at Endo on March 17th on the Pain Care</p> <p>12 Forum's consensus recommendations for the REMS?</p> <p>13 Turn to page 2.</p> <p>14 A Well, what I'm looking at, I -- I don't</p> <p>15 recall this document. It's a ten-year-old draft</p> <p>16 document stamped "Draft." I do see that it says</p> <p>17 "Endo REMS strategy discussion."</p> <p>18 Q And do the meeting minutes of -- of this</p> <p>19 March 17th, 2009 meeting reflect that you and</p> <p>20 Mr. Barto provided an update on the Pain Care</p> <p>21 Forum at the meeting?</p> <p>22 A I don't recall the details of this</p> <p>23 document whatsoever. So I've --</p> <p>24 Q Do you have any reason to dispute that</p>
<p style="text-align: right;">Page 235</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: I was not in the detailed</p> <p>4 work on the REMS topic. That was really the --</p> <p>5 the purview of Bob Barto, who was the head of our</p> <p>6 regulatory affairs department, and he would</p> <p>7 have -- be able to answer these questions in a lot</p> <p>8 more detailed fashion.</p> <p>9 Q And the PCF came up with recommendations</p> <p>10 for its membership on what -- on what members</p> <p>11 could support as far as the REMS was concerned.</p> <p>12 Do you recall that?</p> <p>13 A I --</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I do recall that there</p> <p>16 were discussions at the Pain Care Forum, but I</p> <p>17 don't recall what those discussions led to.</p> <p>18 I know that one of the original -- what</p> <p>19 it -- what it led to was the industrywide working</p> <p>20 group on REMS.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q And there was also a task force at the</p> <p>23 PCF related to REMS, right?</p> <p>24 A As I've said, I know that the REMS issue</p>	<p style="text-align: right;">Page 237</p> <p>1 you attended a meeting at Endo and provided an</p> <p>2 update on the Pain Care Forum?</p> <p>3 A That would have been -- that would have</p> <p>4 been something that I could have done, although I</p> <p>5 just don't recollect what happened ten years ago,</p> <p>6 and the fact that this is a draft document leads</p> <p>7 me to -- to question it, but -- so I just don't</p> <p>8 know.</p> <p>9 Q Well, according to this draft document,</p> <p>10 were the Pain Care Forum's consensus</p> <p>11 recommendations -- were there seven</p> <p>12 recommendations that are listed here?</p> <p>13 A That's what this draft ten-year-old</p> <p>14 document says.</p> <p>15 Q And one -- was one of the</p> <p>16 recommendations that a REMS should not interfere</p> <p>17 with the physician's ability to treat patients?</p> <p>18 A You read that correctly.</p> <p>19 Q And was another recommendation that a</p> <p>20 patient registry should not be part of the REMS?</p> <p>21 A You paraphrased that correctly.</p> <p>22 Q Any reason to believe that this -- this</p> <p>23 document is not accurate?</p> <p>24 A Well, it's stamped "Draft," which I</p>

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<p>1 think makes it subject to question.</p> <p>2 Q Okay. Well, we'll look at some more</p> <p>3 documents that provide some support for what we've</p> <p>4 just seen here.</p> <p>5 MS. AMINOLROAYA: E1632.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q And it was the Pain Care Forum's view</p> <p>8 that it was really critical to the future of</p> <p>9 its -- of its members that the -- that the</p> <p>10 membership make submissions to the FDA or provide</p> <p>11 feedback to the FDA on the REMS.</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: What's the question?</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q That it -- was it the Pain Care Forum's</p> <p>16 view that it was critical to the future of its</p> <p>17 membership that the membership make submissions to</p> <p>18 the FDA on the REMS issue?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: The Pain Care Forum didn't</p> <p>21 take public policy positions, as I've described</p> <p>22 previously. It was a forum for individual member</p> <p>23 organizations to get together once a month and</p> <p>24 meet and have discussions about pain topics.</p>	<p>1 BY MS. AMINOLROAYA:</p> <p>2 Q Is this an e-mail from Will Rowe to</p> <p>3 you and other members of the Pain Care Forum on</p> <p>4 May 2nd, 2010?</p> <p>5 A Yes, it looks like a nine-year-old</p> <p>6 e-mail to about, I don't know, a hundred people.</p> <p>7 Q And that's about the size of the Pain</p> <p>8 Care Forum, or is it larger?</p> <p>9 A That would have been a rough estimate</p> <p>10 that I would make.</p> <p>11 Q Okay. So it's not surprising that Will</p> <p>12 Rowe is sending an e-mail to about a hundred</p> <p>13 people if he's e-mailing the Pain Care Forum,</p> <p>14 right?</p> <p>15 A Right.</p> <p>16 Q And what is Mr. Rowe attaching here?</p> <p>17 A I don't recall this nine-year-old</p> <p>18 document that was sent to a hundred people, but it</p> <p>19 looks like -- I don't know what this is.</p> <p>20 I do know that in the first sentence, he</p> <p>21 says: 'I want to alert members of the Pain Care</p> <p>22 Forum and the REMS task force about another</p> <p>23 opportunity to voice opinions about the REMS</p> <p>24 process in addition to the open FDA docket on</p>
<p style="text-align: center;">Page 239</p> <p>1 BY MS. AMINOLROAYA:</p> <p>2 Q Did they prepare recommendations for</p> <p>3 their membership to submit to the FDA?</p> <p>4 A Who is "they"?</p> <p>5 Q The Pain Care Forum.</p> <p>6 A The Pain Care Forum is made up of</p> <p>7 members. They didn't take public policy positions</p> <p>8 as a whole, that I'm aware of.</p> <p>9 Q Did they tell their membership what to</p> <p>10 say to the FDA?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: Did who tell?</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q Did the Pain Care Forum tell their</p> <p>15 members what to say to the FDA about the REMS?</p> <p>16 A Well, the Pain Care Forum didn't take</p> <p>17 positions on issues, so they couldn't have --</p> <p>18 very well have told the membership what their</p> <p>19 positions were because they didn't take positions</p> <p>20 to my knowledge.</p> <p>21 Q We're marking Exhibit 32. It's</p> <p>22 ENDO-OPIOID_MDL-02293305. It's E-numbered E1632.</p> <p>23 (Munroe Exhibit No. 32 was marked</p> <p>24 for identification.)</p>	<p style="text-align: center;">Page 241</p> <p>1 REMS."</p> <p>2 So, he's inviting members of the Pain</p> <p>3 Care Forum to voice their opinions.</p> <p>4 Q Right. And he's not inviting them to</p> <p>5 free form their opinions. He's attaching</p> <p>6 recommendations provided by the Pain Care Forum.</p> <p>7 A You will have to ask Mr. Rowe what his</p> <p>8 intentions and motivations are. I can't speak for</p> <p>9 him.</p> <p>10 Q Well, let's -- let's take a look at</p> <p>11 page 4 of the document. What is the title of this</p> <p>12 document that's been attached here?</p> <p>13 A Would you like me to read it?</p> <p>14 Q Sure.</p> <p>15 A "Recommendations to be considered in</p> <p>16 preparing a submission to the FDA REMS open</p> <p>17 docket, Docket No. FDA-2009-N-0143."</p> <p>18 Q And at this time was FDA accepting</p> <p>19 responses on a docket in -- as to what a REMS</p> <p>20 should look like?</p> <p>21 A I -- I actually --</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: I actually don't know.</p> <p>24 Bob Barto, our head of regulatory affairs, would</p>

<p style="text-align: right;">Page 242</p> <p>1 be in a position to answer your question, though, 2 probably, because this was his area of 3 responsibility for the company. 4 BY MS. AMINOLROAYA: 5 Q We definitely heard that from other Endo 6 employees that nothing was their responsibility. 7 So looking at the bottom of page 1, 8 isn't Mr. Rowe here attaching a menu of 9 recommended comments that the membership can use 10 in providing -- in making their response to FDA 11 about the opioid REMS? 12 MR. DAVIS: Objection to the unnecessary 13 colloquy before the actual question. 14 THE WITNESS: You read most of that 15 sentence correctly. 16 BY MS. AMINOLROAYA: 17 Q Would you agree that these are 18 recommendations the Pain Care Forum has provided 19 as to what the members -- 20 A I don't know what these documents are. 21 MR. DAVIS: Let her finish the question. 22 BY MS. AMINOLROAYA: 23 Q Do you dispute that these are 24 recommendations that the Pain Care Forum is</p>	<p style="text-align: right;">Page 244</p> <p>1 the menu"? 2 A Yes. 3 Q Is that a reference to the future of 4 opioid drugs? 5 MR. DAVIS: Objection to form. 6 THE WITNESS: You would have to ask 7 Mr. Rowe. 8 BY MS. AMINOLROAYA: 9 Q And do you see the names of -- of Pain 10 Care Forum members at different manufacturers who 11 sell opioids on this e-mail? 12 A I actually -- I actually don't recognize 13 a lot of these names. It's -- this is, what, a 14 nine-year-old e-mail? Yeah, I -- I recognize some 15 of the names but not all of the names. 16 Q Do you see Burt Rosen's name on the 17 e-mail? 18 A Well, let me see. I'll have to look 19 through it. 20 Q It's next to yours, if you have spotted 21 your name. 22 A I haven't spotted my name. Let me see 23 here. 24 Q I can tell you it's in the third line</p>
<p style="text-align: right;">Page 243</p> <p>1 providing to its membership on what it should say 2 to FDA about the opioid REMS? 3 MR. DAVIS: Objection to form. 4 THE WITNESS: I have no recollection of 5 this nine-year-old e-mail sent to a hundred 6 people. 7 BY MS. AMINOLROAYA: 8 Q Do you agree that Mr. Rowe says here: 9 "I have attached a copy of the menu of recommended 10 comments which was previously shared with our 11 membership for use in preparing your comments"? 12 A Where are you reading from, please? 13 Q At the very bottom of the page, the last 14 full paragraph. 15 A And could you state the question again, 16 please? 17 Q Yes. Is Mr. Rowe telling the PCF 18 membership here that he's attaching -- attaching a 19 menu of recommended comments that can be used to 20 prepare their submissions to FDA on the opioid 21 REMS? 22 A You read that correctly. 23 Q Do you see Mr. Rowe's comment at the 24 bottom here, "If we're not at the table, we're on</p>	<p style="text-align: right;">Page 245</p> <p>1 from the top. 2 A Third line. That's helpful. Thank you. 3 I do see Burt Rosen's name. 4 Q And was Mr. Rosen at Purdue, which sells 5 OxyContin? 6 MR. NOVY: Objection to form. 7 THE WITNESS: I'm not an employee at 8 Purdue, so I don't -- I don't know about the dates 9 of when he joined Purdue. So I don't want to 10 speak to those issues. 11 BY MS. AMINOLROAYA: 12 Q You're not aware that Purdue has sold 13 OxyContin? 14 MR. DAVIS: Objection to form. 15 THE WITNESS: I -- I am aware that that 16 is a Purdue product. 17 BY MS. AMINOLROAYA: 18 Q Thank you. 19 And how about Susan Nichol, do you know 20 who she is? 21 A No, that name doesn't -- I don't recall 22 knowing that name. 23 Q And how about Kimberly France at 24 Covidien, is that a familiar name?</p>

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<p>1 A No, that's not a familiar name.</p> <p>2 Q Do you know if Covidien sells opioids?</p> <p>3 A You told me earlier in the deposition</p> <p>4 that they did.</p> <p>5 Q Independent of that, do you know whether</p> <p>6 they sell opioids?</p> <p>7 A No.</p> <p>8 MS. AMINOLROAYA: 1752.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q And Endo believed that it had defeated</p> <p>11 certain of the FDA's proposed measures for REMS.</p> <p>12 Do you recall that?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I was not involved in the</p> <p>15 FDA REMS discussions in a detailed and substantive</p> <p>16 way. You would have to ask Bob Barto, who was our</p> <p>17 head of regulatory affairs, who was very involved.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Do you recall having discussions about</p> <p>20 the scope of the FDA REMS with your colleagues?</p> <p>21 A I -- I recall having discussions on the</p> <p>22 topic of FDA REMS, but I don't recall any of the</p> <p>23 details because it was outside the scope of my</p> <p>24 responsibilities at Endo.</p>	<p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I think the opioid REMS</p> <p>3 process was an important matter of public policy</p> <p>4 for the company.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q And was defeating certain aspects of the</p> <p>7 REMS a high priority issue for Endo?</p> <p>8 A You --</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: You would have to ask Bob</p> <p>11 Barto, who was our head of regulatory affairs, and</p> <p>12 whose job it was to involve himself in -- in those</p> <p>13 kind of issues.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q And is attached to this e-mail, is there</p> <p>16 a slide deck entitled "Political Action Committees</p> <p>17 (Endo PAC), Government Affairs and Public Policy</p> <p>18 Activities"?</p> <p>19 A That -- that's what this looks to be. I</p> <p>20 don't recall this document, but that's what the</p> <p>21 title page looks like.</p> <p>22 Q And is one of the high priority issues</p> <p>23 that's mentioned on page 4 of the document "Risk</p> <p>24 Evaluation and Mitigation Strategies (REMS):</p>
<p>1 Q And what do you recall about your</p> <p>2 discussions on the topic of the FDA REMS?</p> <p>3 A I only recall that -- that we had</p> <p>4 discussions. I recall discussions involving the</p> <p>5 importance of physician education about</p> <p>6 appropriate opioid prescribing. But that's the</p> <p>7 only thing I recall about this topic.</p> <p>8 Q Do you recall telling your colleagues</p> <p>9 that you were able to influence the position that</p> <p>10 FDA took on the REMS?</p> <p>11 A I don't recall that.</p> <p>12 (Munroe Exhibit No. 33 was marked</p> <p>13 for identification.)</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q I'm handing you what's been marked as</p> <p>16 Exhibit 33. It's ENDO-OPIOID_MDL-02297404. It's</p> <p>17 number -- E-numbered 1752.</p> <p>18 And is this an e-mail from Elizabeth</p> <p>19 Bush to you on October 31, 2011 -- I'm sorry,</p> <p>20 yeah, October 31, 2011?</p> <p>21 A It looks to be. I have no recollection</p> <p>22 of it, but it looks to be.</p> <p>23 Q And was defeating certain aspects of the</p> <p>24 REMS a high priority issue for Endo?</p>	<p>1 Page 247</p> <p>1 Defeated Patient Registry"?</p> <p>2 A You read that correctly.</p> <p>3 Q Was this a high priority issue for Endo,</p> <p>4 defeating the patient registry component of the</p> <p>5 REMS?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I just don't recall.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And do you know why this issue is</p> <p>10 included in -- in a slide deck regarding political</p> <p>11 action committees and government affairs and</p> <p>12 public policy activities?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: No, I don't.</p> <p>15 MS. AMINOLROAYA: I'm marking as</p> <p>16 Exhibit 34 END00077888. It's E-numbered 1450.</p> <p>17 (Munroe Exhibit No. 34 was marked</p> <p>18 for identification.)</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And is this an e-mail from you to Bob</p> <p>21 Barto on April 28th, 2009?</p> <p>22 A It -- it appears to be that.</p> <p>23 Q And did the Pain Care Forum have a</p> <p>24 strategy to influence the direction of the REMS?</p>

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<p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: Well, the Pain Care Forum</p> <p>3 would create task forces on public policy issues</p> <p>4 in which individual members of the Pain Care Forum</p> <p>5 were free to join or not join.</p> <p>6 And so this is referring to a task force</p> <p>7 on REMS that the Pain Care Forum created, although</p> <p>8 this is a ten-year-old e-mail that went to, again,</p> <p>9 about a hundred people, and my action item was to</p> <p>10 forward it to Bob Barto, who I've said repeatedly</p> <p>11 it was his job to manage this issue.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q Were you aware that the Pain Care Forum</p> <p>14 drafted recommendations on the REMS?</p> <p>15 A I don't -- I don't recall anything about</p> <p>16 draft recommendations on REMS.</p> <p>17 Q If you turn to page 3 of the document,</p> <p>18 is Mr. Rowe there thanking participants of the</p> <p>19 Pain Care Forum for participating in the REMS</p> <p>20 recommendation process?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: It appears that he is</p> <p>23 thanking them.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 ended up in the final REMS.</p> <p>2 Q And do you recall that you -- you</p> <p>3 believed that the physician -- physician training</p> <p>4 component of the REMS would fail?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: I don't recall the details</p> <p>7 of -- of the REMS issue. Bob Barto would have</p> <p>8 been, you know, the lead at our company on these</p> <p>9 issues. I undoubtedly had views, but it would</p> <p>10 have been Bob's job to -- to manage this issue.</p> <p>11 MS. AMINOLROAYA: I'm marking as</p> <p>12 Exhibit 35 EPI001080837.</p> <p>13 (Munroe Exhibit No. 35 was marked</p> <p>14 for identification.)</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Is this an e-mail from you to Timothy</p> <p>17 Byrne on April 26, 2012?</p> <p>18 A That's -- that looks right.</p> <p>19 Q And who is Mr. Byrne?</p> <p>20 A He was the head of Public Policy at</p> <p>21 Endo.</p> <p>22 Q And was he someone in your department or</p> <p>23 in a different department?</p> <p>24 A He was in -- in my department. He</p>
<p style="text-align: center;">Page 251</p> <p>1 Q And did you keep -- did you keep</p> <p>2 yourself informed as to the efforts to influence</p> <p>3 the REMS?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I don't recall.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q And do you recall there being a</p> <p>8 sustained effort with the Pain Care Forum to</p> <p>9 defeat the FDA's suggested patient registry</p> <p>10 component of the REMS?</p> <p>11 A No.</p> <p>12 Q Do you recall that this would have had</p> <p>13 greatly reduced Endo's market -- or strike that.</p> <p>14 Do you recall that a patient registry in</p> <p>15 the REMS would have greatly reduced Endo's market?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I -- I don't recall this</p> <p>18 subject.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And do you recall that the REMS was</p> <p>21 passed without a patient registry or the REMS was</p> <p>22 implemented or finalized without a patient</p> <p>23 registry?</p> <p>24 A I don't remember the details of what</p>	<p style="text-align: center;">Page 253</p> <p>1 reported to me.</p> <p>2 Q Do you recall that 2012 was the year</p> <p>3 that the opioid classwide REMS was implemented by</p> <p>4 FDA?</p> <p>5 A I don't recall that.</p> <p>6 Q I'll represent to you that -- that that</p> <p>7 was the year when FDA implemented the opioid</p> <p>8 classwide REMS.</p> <p>9 And do you see your statement there: "I</p> <p>10 think we heavily influenced the REMS process again</p> <p>11 for a sustained effort with the Pain Care Forum"?</p> <p>12 Did I read that correctly?</p> <p>13 A You did.</p> <p>14 Q And so at this time you had been keeping</p> <p>15 yourself informed as to what was going on at the</p> <p>16 Pain Care Forum with respect to the REMS.</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: Yeah, I don't recall</p> <p>19 writing this e-mail. When was this? This is only</p> <p>20 seven years old, but I still don't recall. But --</p> <p>21 but it does describe my thinking at the time.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q So you -- your thinking at the time was</p> <p>24 that you heavily influenced the REMS process</p>

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<p>1 through a sustained effort with the Pain Care 2 Forum?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I'm unclear about what I 5 mean by the term "we."</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q Other than the "we," was your thinking 8 at the time that the REMS process was heavily 9 influenced through a sustained effort with the 10 Pain Care Forum?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: That -- that's what those 13 words say.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q And this was your thinking in 2012.</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I don't remember this 18 e-mail, but what I said was: "I think we heavily 19 influenced the REMS process." And I don't know 20 who to attribute "we" to because I don't remember 21 the details of this e-mail.</p> <p>22 BY MS. AMINOLROAYA:</p> <p>23 Q Regardless of who the "we" is here --</p> <p>24 A Right.</p>	<p>1 Q And these efforts through the Pain Care 2 Forum resulted in the classwide REMS not having an 3 Accutane-like patient registry. Correct?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I think the FDA made their 6 own independent judgment of -- of what was the 7 best way to conduct physician training, and they 8 came out with a program. And I think they 9 received input from a lot of stakeholders.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q But in this e-mail you're saying that 12 you influenced the REMS. You're not referring to 13 an independent process undertaken by the FDA; 14 you're referring to influence by the Pain Care 15 Forum.</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: I'm questioning who I am 18 attributing the influence from, because I don't 19 recall who I'm referring to with the term "we."</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Understood. Regardless of who the "we" 22 is here, the influence occurred through the Pain 23 Care Forum, according to your writing in this 24 e-mail.</p>
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<p>1 Q -- you'd agree that you were saying that 2 that influence occurred through a sustained effort 3 with the Pain Care Forum.</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: You read that correctly.</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q Any reason to believe that's not what 8 you wrote in this e-mail?</p> <p>9 A I just don't recall the specifics of 10 this e-mail.</p> <p>11 Q And we did just look at a process over 12 the past few exhibits of recommendations that were 13 issued by the Pain Care Forum and interactions 14 that Endo had with the Pain Care Forum.</p> <p>15 A I do recall the discussions that we had 16 in the company at the time that this was an 17 important public policy matter. But it was really 18 driven by Bob Barto, who was head of our 19 regulatory affairs.</p> <p>20 Q Well, you seem to be fairly close to the 21 issue in this e-mail. You say "I think."</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: Yeah, I do say "I think."</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 A I -- I disagree with that 2 characterization.</p> <p>3 Q And a patient registry, according to 4 you -- your comments here, would have increased 5 your costs and greatly reduced your market by 6 80 percent.</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: That's what this says.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q So a patient registry would not have 11 been good for Endo's business.</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: The details of the REMS 14 issue, I cannot recall. They were really the 15 purview of Bob Barto, who was the head of 16 regulatory affairs at Endo. So I'm reluctant to 17 get into details about the REMS policy issues 18 because I just wasn't that involved.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q But here you don't mention Mr. Barto at 21 all. You don't say, We should talk to Mr. Barto 22 to find out what the effect of a patient registry 23 would have had. You affirmatively state that: "A 24 patient registry would have increased our costs</p>

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<p>1 greatly and reduced our market by 80 percent."</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I can't speak to this</p> <p>4 e-mail -- this back and forth e-mail with one of</p> <p>5 my subordinates on a seven-year-old e-mail that I</p> <p>6 have no recollection about.</p> <p>7 I can tell you that on detailed REMS</p> <p>8 policy issues, those decisions and actions that</p> <p>9 the company took were driven by Bob Barto.</p> <p>10 MS. AMINOLROAYA: Move to strike as</p> <p>11 nonresponsive.</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q And as part of your work on the REMS,</p> <p>14 you also talked a senator out of a potential</p> <p>15 amendment that would have also implemented REMS</p> <p>16 requirements.</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I have no recollection of</p> <p>19 that activity.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q You state here towards the end of the</p> <p>22 paragraph: "As part of the Casey amendment on</p> <p>23 PDUFA, we talked Casey out of making new onerous</p> <p>24 REMS requirements (their first idea!)."</p>	<p>1 from you to David Holveck and colleagues, dated</p> <p>2 April 17, 2012?</p> <p>3 A Yes, I'm seeing that.</p> <p>4 Q And is -- is the e-mail regarding an</p> <p>5 EPPC Update, Senator Casey, prescription drug</p> <p>6 abuse meeting?</p> <p>7 A I don't recall this specific lobbying</p> <p>8 effort, and I'm not surprised in that I lobbied</p> <p>9 many, many issues over a long career at Endo, and</p> <p>10 I would involve, as I described previously,</p> <p>11 subject matter experts.</p> <p>12 So, as you can see from this e-mail,</p> <p>13 that again I don't remember any of the details of</p> <p>14 this project, but I brought Tara Chapman with me</p> <p>15 from our regulatory affairs department because, as</p> <p>16 I've stated several times, the regulatory affairs</p> <p>17 group was -- was principally responsible for</p> <p>18 managing the REMS issue.</p> <p>19 So it doesn't surprise me that, one, I</p> <p>20 don't remember a particular lobbying issue because</p> <p>21 I lobbied on many issues, and it doesn't surprise</p> <p>22 me that Tara Chapman was with me, who would have</p> <p>23 presented our case to Senator Casey.</p> <p>24 Q I withdraw the question.</p>
<p style="text-align: center;">Page 259</p> <p>1 Did you write that in this e-mail?</p> <p>2 A I did.</p> <p>3 Q Who is Senator Casey?</p> <p>4 A Senator Casey was the senior senator</p> <p>5 from our home state of Pennsylvania.</p> <p>6 Q Is Senator Casey a senator who you</p> <p>7 lobbied?</p> <p>8 A Yes.</p> <p>9 Q And you lobbied him out of an amendment</p> <p>10 that would have proposed more onerous REMS</p> <p>11 requirements, right?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I actually don't recall</p> <p>14 that lobbying effort, although it is described</p> <p>15 here.</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q You actually wrote about this lobbying</p> <p>18 on more than one occasion.</p> <p>19 (Munroe Exhibit No. 36 was marked</p> <p>20 for identification.)</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q I'm handing you Exhibit 36. This is</p> <p>23 EPI002377845. E-numbered 1968.</p> <p>24 And is the middle e-mail here an e-mail</p>	<p style="text-align: center;">Page 261</p> <p>1 My question is, is the e-mail regarding</p> <p>2 an EPPC update, Senator Casey, prescription drug</p> <p>3 abuse meeting?</p> <p>4 A Yes.</p> <p>5 Q Thank you.</p> <p>6 And what is the EPPC?</p> <p>7 A Endo -- actually -- Endo Public Policy</p> <p>8 Committee or Executive Public Policy Committee.</p> <p>9 One of those two.</p> <p>10 Q And who maintained a relationship with</p> <p>11 Senator Casey? Was it you?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: It was me, and it was our</p> <p>14 contract lobbying firms.</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q And who are your contract lobbying</p> <p>17 firms?</p> <p>18 A Over -- they were different firms at</p> <p>19 different times while I was at Endo, but they</p> <p>20 included Venable, the Capitol Hill Consulting</p> <p>21 Group, Foley & Lardner, and the Gibson Group.</p> <p>22 Q And what did these lobbying groups do</p> <p>23 for Endo?</p> <p>24 A They helped arrange meetings with</p>

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<p>1 members of Congress and staff for Endo government 2 affairs, principally.</p> <p>3 Q And would they have helped you arrange a 4 meeting with Senator Casey, or would you have done 5 that directly?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q And did you have a close relationship 10 with Senator Casey?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: Not particularly.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q If you take a look at this e-mail, the 15 second sentence here, you write to your 16 colleagues -- well, before we read the e-mail, who 17 is Mr. Holveck?</p> <p>18 A Dave Holveck was the CEO of Endo.</p> <p>19 Q And Caroline Manogue, is she your 20 supervisor?</p> <p>21 A She was at one point my supervisor and 22 the general counsel.</p> <p>23 Q And Brian Lortie?</p> <p>24 A The head of commercial for branded</p>	<p>1 characterized it as close?</p> <p>2 A Yes, you're reading that correctly.</p> <p>3 Q And this is not -- and this is an e-mail 4 you wrote.</p> <p>5 A Yes.</p> <p>6 Q And one of the things that you were 7 meeting with Senator Casey about was that you did 8 not need additional REMS.</p> <p>9 A I don't remember the details of what we 10 were lobbying in this issue. And as you can see, 11 with Tara Chapman being with me, I would have let 12 her handle the details, the substance.</p> <p>13 Q But you refer to this -- just a week 14 later, you tell Mr. Byrne in your -- in your 15 department that you talked Senator Casey out of 16 making the new onerous REMS requirement.</p> <p>17 A In what document do I say that?</p> <p>18 Q Take a look at -- we just marked it, 19 it's E1753.</p> <p>20 A Yeah, I just don't recall lobbying this 21 issue with Senator Casey.</p> <p>22 Q Would you have written something that 23 was not accurate in an e-mail?</p> <p>24 MR. DAVIS: Objection to form.</p>
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<p>1 pharma.</p> <p>2 Q So you're writing to senior Endo 3 employees --</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q -- here?</p> <p>7 A Yes.</p> <p>8 Q And the second sentence here, you write: 9 "Because of our close relationship with this 10 office, we are on the inside of this process and 11 are considered key advisors on this project."</p> <p>12 Does this refresh your recollection as 13 to whether you had a close relationship with 14 Senator Casey?</p> <p>15 A Not particularly. There's nothing like 16 time to give one perspective and to understand, 17 you know, what is a real close relationship and 18 what isn't. So I'm answering truthfully now in 19 what I believe to be the case in my tenure at Endo 20 that we did have a relationship with the office, 21 but I would not characterize it as particularly 22 close, despite what's -- what's written here in 23 the document.</p> <p>24 Q And you would agree, in this e-mail you</p>	<p>1 THE WITNESS: I don't know. I would -- 2 I would certainly hope to not ever put anything 3 inaccurate in an e-mail or any communication that 4 I made during my tenure at Endo. But I can't 5 commit that I ever said anything that was -- that 6 was inaccurate.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q But no reason to believe this is 9 inaccurate.</p> <p>10 A No reason to believe.</p> <p>11 Q Yeah, thank you.</p> <p>12 And the eventual REMS that was 13 implemented in 2012 by FDA, you believed this 14 would fail.</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I believed that the 17 voluntary nature of the physician education 18 program was problematic.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And did Endo do anything to require a 21 mandatory physician training?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: We talked about supporting 24 an effort on Capitol Hill that would tie the DEA</p>

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<p>1 licensing registration process to certifying 2 physicians for opioid prescribing, and we thought 3 that this mandatory requirement was a thoughtful, 4 efficient way to move forward.</p> <p>5 If there were other efforts at physician 6 training -- if there were other efforts at the 7 company involving physician training for opioids, 8 they would have been in the department of Neil 9 Shusterman. So I think the company was -- was 10 focused on appropriate physician education and 11 training and it was a priority, but it was not my 12 department.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q That wasn't something mandatory -- 15 physician training was not something that you 16 pursued as part of your responsibilities at Endo.</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: Well, I pursued it 19 inasmuch as I did have conversations on Capitol 20 Hill that I recall about the need for a DEA -- 21 tying the physician training to a DEA licensing 22 registration process. I do recall that, because I 23 thought that would be an important way to ensure 24 physician training. Such a training would be</p>	<p>1 Q Mr. Munroe. I'm sorry. I don't know 2 why I keep doing that. Welcome back, Mr. Munroe. 3 It's a sign that it's 5:12 and we've been going 4 for six hours.</p> <p>5 Did -- do you -- did Endo, as part of 6 its government affairs and public policy work, 7 support certain pain measures with respect to 8 veterans?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I recall that we lobbied 11 one issue on -- on a veterans piece of legislation 12 while I was at Endo.</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q And what was that?</p> <p>15 A I don't remember the details of -- but I 16 remember the arguments we were making, which is we 17 wanted to preserve the right of veterans being 18 treated for pain, for physicians to be able to 19 prescribe the right medicines for the appropriate 20 patients at the right time for veterans, and that 21 there was legislation that was introduced and 22 moving forward that would have prevented that. So 23 we worked with the Veterans' Affairs Committee in 24 the House to assure that veterans received</p>
<p>1 mandatory. And I just -- so -- so that's one 2 example.</p> <p>3 BY MS. AMINOLROAYA:</p> <p>4 Q But you -- it wasn't something that you 5 talked Senator Casey into.</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: Yeah, I don't recall if I 8 had this conversation with Senator Casey or his 9 staff.</p> <p>10 MS. AMINOLROAYA: I'm not sure how long 11 we're going -- we've been going. I'm at a 12 stopping point, but I can move on.</p> <p>13 MR. DAVIS: No, why don't -- why don't 14 we take a quick break and then finish up after 15 that.</p> <p>16 THE VIDEOGRAPHER: The time is 4:51 p.m. 17 and we're going off the record.</p> <p>18 (Recess.)</p> <p>19 THE VIDEOGRAPHER: The time is 5:13 p.m. 20 and we're back on the record.</p> <p>21 BY MS. AMINOLROAYA:</p> <p>22 Q Welcome back, Mr. Barto. This is the 23 last stretch.</p> <p>24 A Mr. Munroe.</p>	<p>1 appropriate pain care treatment.</p> <p>2 Q And did you support the Veterans Pain 3 Care Act of 2007?</p> <p>4 A I don't know if we supported the overall 5 act. I know that we were involved with the issue 6 as I previously described.</p> <p>7 MS. AMINOLROAYA: 1747.</p> <p>8 I'm marking Exhibit 37, which is 9 ENDO-OPIOID_MDL-02807915. It's E1747. 10 (Munroe Exhibit No. 37 was marked 11 for identification.)</p> <p>12 BY MS. AMINOLROAYA:</p> <p>13 Q And is this an e-mail from Burt Rosen to 14 Brian -- to you on October 28, 2007?</p> <p>15 A It does appear to be that.</p> <p>16 Q And is he forwarding on an e-mail from 17 Tamara Sloan-Anderson?</p> <p>18 A Yes. Yeah, he is actually forwarding an 19 e-mail from Pamela Bennett.</p> <p>20 Q Yes, thank you.</p> <p>21 And who's Pamela Bennett?</p> <p>22 A Pamela Bennett is a Purdue employee.</p> <p>23 Q And what would be a -- does this e-mail 24 refresh your recollection about the law, the</p>

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<p>1 Veteran Pain Care Act of 2007?</p> <p>2 A It -- it does not. That's a 12-year --</p> <p>3 this is a 12-year-old e-mail. No.</p> <p>4 Q All right. Well --</p> <p>5 A I have no recollection of this 12-year-</p> <p>6 old piece of legislation.</p> <p>7 Q The third paragraph from the top here</p> <p>8 describes what the bill would do. It states that:</p> <p>9 "It would require the Veterans Administration to</p> <p>10 establish a pain care initiative at every VA</p> <p>11 healthcare facility with each utilizing a</p> <p>12 professionally recognized pain assessment tool or</p> <p>13 process to ensure that every patient with chronic</p> <p>14 or acute pain is diagnosed and treated properly."</p> <p>15 Does that refresh your recollection</p> <p>16 about Endo's work on this bill?</p> <p>17 A No, it doesn't. And -- and I don't</p> <p>18 believe that -- that we worked on this bill in any</p> <p>19 substantive way, but I -- I just don't recall.</p> <p>20 Q And aside from the -- the law, do you</p> <p>21 recall that Endo -- Endo's lobbying firm -- Endo,</p> <p>22 along with its lobbying firm, sponsored veteran</p> <p>23 events with the American Pain Foundation to</p> <p>24 promote the use of opioids for chronic pain?</p>	<p>1 for identification.)</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q I'm handing you Exhibit 38. This is</p> <p>4 CHI000430399.</p> <p>5 And is this an invoice from the American</p> <p>6 Pain Foundation dated November 2nd, 2007?</p> <p>7 A I'm just reading this --</p> <p>8 Q Sure.</p> <p>9 A -- document. (Peruses document.)</p> <p>10 Yeah, I don't recognize this, and I</p> <p>11 don't recall ever seeing it.</p> <p>12 Q If you turn --</p> <p>13 A I'm not sure what it is.</p> <p>14 Q Okay. If you turn to page 2 of the</p> <p>15 document -- well, we can start on page 1 actually.</p> <p>16 Who is William Newbould?</p> <p>17 A William Newbould was the head of</p> <p>18 Communications, I recall, when I first joined the</p> <p>19 company.</p> <p>20 Q And did he -- do you know if he</p> <p>21 interacted with the American Pain Foundation?</p> <p>22 A I don't know if he did or not.</p> <p>23 Q And the American Pain Foundation sends</p> <p>24 this invoice to Endo and thanks them for the</p>
<p style="text-align: center;">Page 271</p> <p>1 A I --</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I actually don't recall</p> <p>4 that.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q If you look at page 3 of the document --</p> <p>7 A Mm-hmm.</p> <p>8 Q -- do you see an invitation to an event,</p> <p>9 "Freedom From Pain, It's Your Right"?</p> <p>10 A I do.</p> <p>11 Q And the event was dated October 30th,</p> <p>12 2007.</p> <p>13 A That's correct.</p> <p>14 Q And on the next to last page of the</p> <p>15 document, there's a fact sheet.</p> <p>16 Do you recall Endo's sponsoring of this</p> <p>17 event at the American Pain Foundation and the fact</p> <p>18 sheet?</p> <p>19 A I don't.</p> <p>20 MS. AMINOLROAYA: Get 1987, please.</p> <p>21 THE WITNESS: This is -- yeah, this is a</p> <p>22 12-year-old event. I would have no recollection</p> <p>23 of this.</p> <p>24 (Munroe Exhibit No. 38 was marked</p>	<p style="text-align: center;">Page 273</p> <p>1 opportunity to work with Endo in Hyde Park</p> <p>2 Communications.</p> <p>3 What is Hyde Park Communications?</p> <p>4 A Hyde Park Communications was a boutique</p> <p>5 consulting communications company. I don't know</p> <p>6 if they're still in business or not.</p> <p>7 Q And the -- the invoice references work</p> <p>8 on the important issue of pain with populations of</p> <p>9 military and veterans. Correct?</p> <p>10 A You've read that correctly, yes.</p> <p>11 Q And is the American Pain Foundation here</p> <p>12 sending Endo an invoice for \$32,000?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: You know, I -- I just</p> <p>15 don't know about this. I don't know what this is.</p> <p>16 This is a document that I don't recall ever</p> <p>17 seeing. And it's a 12-year-old document I don't</p> <p>18 recall ever seeing.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q And if you turn to the back here, do you</p> <p>21 see the back of the document has been signed by</p> <p>22 someone at Endo?</p> <p>23 A Yes, I was actually trying to decipher</p> <p>24 that signature.</p>

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<p>1 Q Mm-hmm.</p> <p>2 A Have you been successful in doing that</p> <p>3 yet?</p> <p>4 Q I have not, no.</p> <p>5 A Yeah, it's very difficult to make out.</p> <p>6 Q But in fact, this is someone for Endo</p> <p>7 signing on the -- the last page of the document.</p> <p>8 MR. DAVIS: Objection to form.</p> <p>9 THE WITNESS: I don't know. I don't</p> <p>10 know what that signature is.</p> <p>11 BY MS. AMINOLROAYA:</p> <p>12 Q Do you see the words "Authorized</p> <p>13 signature, Endo Pharmaceuticals" there?</p> <p>14 A I do.</p> <p>15 Q And is there a signature above that?</p> <p>16 A There's some squiggly lines, but it</p> <p>17 doesn't look very legible.</p> <p>18 Q And there's also a signature for the</p> <p>19 American Pain Foundation?</p> <p>20 A Yeah, I see that.</p> <p>21 Q And -- and we see a signature there as</p> <p>22 well.</p> <p>23 A Yes.</p> <p>24 Q And the payment to Endo includes -- or</p>	<p>1 A I'm not sure --</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: -- if it's -- if it's</p> <p>4 connected to this invoice or not. If you're</p> <p>5 speaking about Exhibit 38, I wouldn't have any</p> <p>6 recollection of if -- if they're connected or not.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q But you would agree that the American</p> <p>9 Pain Foundation's budget includes a request for</p> <p>10 support for fact sheet development.</p> <p>11 A You did read that correctly from</p> <p>12 their -- from Exhibit 38.</p> <p>13 Q And it's -- the budget is for an</p> <p>14 October 30th, 2007 military event.</p> <p>15 A That was also read correctly.</p> <p>16 Q And -- and the invitation attached here</p> <p>17 is also for an event to be held on October 30th.</p> <p>18 A Let me look at the invitation because I</p> <p>19 don't recall this 2017 document -- 2007 document,</p> <p>20 pardon me, a 12-year-old document.</p> <p>21 Q If you look at page 3 of the document,</p> <p>22 you see about the middle of the page, it says</p> <p>23 "Tuesday, October 30th"?</p> <p>24 A Yes. It does say that.</p>
<p style="text-align: center;">Page 275</p> <p>1 the payment to the American Pain Foundation on</p> <p>2 page 2, in the middle of the page, you see</p> <p>3 includes for a -- if we scroll down a little bit</p> <p>4 more on the screen -- includes fact sheet</p> <p>5 development.</p> <p>6 A Yes, I -- I would say that you read that</p> <p>7 correctly.</p> <p>8 Q And if we turn back to the previous</p> <p>9 exhibit. Do you see a fact sheet on the next to</p> <p>10 last page of the document?</p> <p>11 A E1747.6?</p> <p>12 Q Yeah -- yes.</p> <p>13 A I do see this page.</p> <p>14 Q And do you see that this is -- has --</p> <p>15 it's called a fact sheet on the upper left hand of</p> <p>16 the page?</p> <p>17 A It does say that.</p> <p>18 Q And this is -- according to the invoice</p> <p>19 from the American Pain Foundation, this was</p> <p>20 something that Endo's support to APF would</p> <p>21 include.</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q If we look back at the invoice.</p>	<p style="text-align: center;">Page 277</p> <p>1 Q And the following page or two pages over</p> <p>2 is the fact sheet.</p> <p>3 A Yeah, I -- I just can't speak to these</p> <p>4 documents because I have no recollection of -- of</p> <p>5 this event or -- or the documents you're speaking</p> <p>6 of.</p> <p>7 Q And you started at Endo in 2007?</p> <p>8 A I don't remember my exact start date.</p> <p>9 Sounds right.</p> <p>10 MS. AMINOLROAYA: Do we have 1754?</p> <p>11 I'm marking as Exhibit 9 ENDO-OPIOID --</p> <p>12 I'm sorry, Exhibit 39, ENDO-OPIOID_MDL-02807881.</p> <p>13 It's E1754.</p> <p>14 (Munroe Exhibit No. 39 was marked</p> <p>15 for identification.)</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q Do you see the first page here, Shanna</p> <p>18 Duncan of Hyde Park Communications sends you an</p> <p>19 e-mail on October 24, 2007, regarding an APF</p> <p>20 briefing? Do you see that in Exhibit 39?</p> <p>21 A Yes, I do see this e-mail from Shanna</p> <p>22 Duncan.</p> <p>23 Q And if you turn over to the next page,</p> <p>24 do you see a memorandum from Brian Munroe -- so</p>

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<p>1 this is page 2 of Exhibit 39 -- to Peter Lankau 2 regarding "Freedom From Pain, It's Your Right, 3 Veterans Pain Event"?</p> <p>4 A I do see it.</p> <p>5 Q And who is Peter Lankau?</p> <p>6 A Peter Lankau was the CEO for the first, 7 I believe, four months of my tenure at Endo, so 8 this would have been right when I joined the 9 company.</p> <p>10 Q So you're writing to the CEO about an 11 event, a veterans pain event here?</p> <p>12 A (No response.)</p> <p>13 Q And did you tell Mr. Lankau in this 14 memorandum that: "Endo is supporting a panel 15 discussion hosted by the American Pain Foundation 16 focusing on the special importance of pain 17 management to veterans"?</p> <p>18 A You read that correctly.</p> <p>19 Q And is that what you wrote in this 20 memorandum?</p> <p>21 A I don't have any recollection of 22 something that happened on my first days with the 23 company.</p> <p>24 Q Do you have any reason to believe you</p>	<p>1 to tie it all together. I just don't recall.</p> <p>2 Q Well, let's look at page 3 of 3 Exhibit 39.</p> <p>4 A Okay.</p> <p>5 Q And do you see -- I think you might be 6 on page 5.</p> <p>7 A Oh, yeah, page 3. I'm sorry.</p> <p>8 Q And do you see at the top, it says 9 "Agenda: Freedom From Pain, It's Your Right, 10 October 30th, 2007"?</p> <p>11 A Yeah, I -- I do see the page you're 12 referring to.</p> <p>13 Q And if you turn over to the next page, 14 "Lunch with panelists APF and veterans at this 15 event," do you see your name listed along with 16 other employees, Brian Munroe, third from the 17 bottom?</p> <p>18 A I do.</p> <p>19 Q So let's turn back to -- to the 20 invitation to the event.</p> <p>21 A And that's exhibit --</p> <p>22 Q Mr. Davis has it in his hand right now.</p> <p>23 A Okay.</p> <p>24 Q And this fact sheet was included in the</p>
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<p>1 didn't write this?</p> <p>2 A No.</p> <p>3 Q And if you turn back to Exhibit 21. And 4 turn to page 24. We can find the last payment in 5 2007 to the American Pain Foundation.</p> <p>6 And just to orient us with the document, 7 this is again Endo's response to Senator 8 Grassley's inquiry regarding Endo's support of -- 9 of pain groups, and do you see a contribution 10 there for \$32,000 in 2007 to the American Pain 11 Foundation?</p> <p>12 A I do.</p> <p>13 Q And is that the same amount that the 14 American Pain Foundation requested in its invoice 15 to Endo in October of 2007 for --</p> <p>16 A It's --</p> <p>17 Q -- a military veteran event?</p> <p>18 A It is the same amount that's in 19 Exhibit 38, of which I -- I don't recall ever 20 knowing about or seeing.</p> <p>21 Q But this is the same event that you're 22 writing to Mr. Lankau about in Exhibit 39, 23 correct?</p> <p>24 A I don't know. It was just too long ago</p>	<p>1 budget -- in the APF invoice that we looked at, 2 correct?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I don't want to speak to 5 that invoice because I don't recall ever seeing 6 it.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q And we looked at Endo's response to the 9 Senate Finance Committee and saw that Endo 10 acknowledged a payment to the American Pain 11 Foundation for the same amount, \$32,000, correct?</p> <p>12 A We -- we did look at that.</p> <p>13 Q Mm-hmm. And let's look at two 14 statements on this fact sheet. If you turn to the 15 second to last page of the document, do you see on 16 the right-hand side of the document, it 17 discusses -- it says: "Military Culture: A 18 Barrier to Effective Pain Management"? Do you see 19 that section?</p> <p>20 A No, I don't.</p> <p>21 Q Our -- our trial tech has highlighted it 22 for us, if that's helpful.</p> <p>23 A Oh, it's over here. Okay.</p> <p>24 Q And the second full paragraph there</p>

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<p>1 before the bullets talks about: "A number of 2 concerns and misconceptions that stand in the way 3 of optimal pain management. These may include 4 fears about," and then dropping to the fourth 5 bullet there it says, "becoming drugged up or 6 addicted to pain medications if they are 7 prescribed."</p> <p>8 Is this a statement that was included in 9 a fact sheet drafted by the American Pain 10 Foundation?</p> <p>11 A You would have to ask them.</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: They -- they drafted this 14 and published it. So I would prefer --</p> <p>15 BY MS. AMINOLROAYA:</p> <p>16 Q Any reason to believe that they didn't 17 draft this?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: No. I'm saying that you 20 would have to ask them about this document. This 21 wasn't an Endo document. This was an American 22 Pain Foundation document, as I understand it.</p> <p>23 BY MS. AMINOLROAYA:</p> <p>24 Q Yes, found in Endo's business records.</p>	<p>1 Q Do you dispute that those words appear 2 on this page?</p> <p>3 A I don't dispute that.</p> <p>4 Q And on the last page of the document, in 5 the column entitled, "Tolerance, Physical 6 Dependence and Addiction, What's the Difference?" 7 If you go to the paragraph --</p> <p>8 A I see that.</p> <p>9 Q -- the second paragraph in the 10 "Addiction" section, do you see that it states: 11 "Unless someone has a past or current history of 12 substance abuse, the chance of addiction is very 13 low when these medications are prescribed by a 14 doctor and taken as directed"?</p> <p>15 A That's what that says.</p> <p>16 Q The Endo Senate Finance Committee 17 response indicates that Endo provided funding for 18 this to the American Pain Foundation in 2007.</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: The response to the Senate 21 Finance Committee categorizes a wide range of 22 contributions that we made to independent third- 23 party organizations.</p> <p>24 BY MS. AMINOLROAYA:</p>
<p>1 And this fact sheet was in the invoice of -- of 2 items that APF was preparing for this veterans 3 event that we just looked at, correct?</p> <p>4 A I don't know --</p> <p>5 MR. DAVIS: Objection to form and 6 everything before the actual question.</p> <p>7 THE WITNESS: I don't know about the 8 invoice.</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q And separately we looked at Endo's 11 submission to the Senate Finance Committee, which 12 showed a \$32,000 payment to the APF, correct?</p> <p>13 A Yes.</p> <p>14 Q So as a statement on this page, on this 15 fact sheet created by the APF that: "A number of 16 concerns and misconceptions stand in the way of 17 optimal pain management. These may include fears 18 about becoming drugged up or addicted to pain 19 medications if they are prescribed."</p> <p>20 A You would have to --</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: -- ask the American Pain 23 Foundation.</p> <p>24 BY MS. AMINOLROAYA:</p>	<p>1 Q And we see a payment for \$32,000, the 2 same amount of the APF invoice in 2007, correct?</p> <p>3 A I can't speak to the APF invoice because 4 I just have no recollection of being involved with 5 that invoice or seeing it.</p> <p>6 Q And my question was, was the amount of 7 the invoice the same amount that Endo reported to 8 Senator Grassley?</p> <p>9 A On one line item, it was.</p> <p>10 Q Thank you.</p> <p>11 All right. We're switching gears here.</p> <p>12 Do you recall that in 2011, Endo had a problem 13 with respect to DEA quotas for oxymorphone?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I recall that we had a 16 particular challenge around the DEA quota for 17 oxymorphone related to the launch of Opana ER ADF 18 in which we believed there was a potential to 19 mitigate abuse and misuse of the product.</p> <p>20 BY MS. AMINOLROAYA:</p> <p>21 Q Thank you.</p> <p>22 And did you enlist the help of lobbyists 23 and the American Pain Foundation to help lobby the 24 DEA for an increased quote of oxymorphone?</p>

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<p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I don't recall all of the</p> <p>3 specific steps that I would have taken.</p> <p>4 (Munroe Exhibit No. 40 was marked</p> <p>5 for identification.)</p> <p>6 BY MS. AMINOLROAYA:</p> <p>7 Q We've marked Exhibit 40. This is</p> <p>8 EPI001179443, and it's E-numbered 1905.</p> <p>9 And is this an e-mail from you to</p> <p>10 yourself, blind carbon copying a number of</p> <p>11 individuals on October 7, 2011?</p> <p>12 A It -- it does appear to be that.</p> <p>13 Q And are you blind carbon copying</p> <p>14 individuals with e-mail addresses at the Senate</p> <p>15 and the House?</p> <p>16 A The House, the Senate, and the</p> <p>17 Administration.</p> <p>18 Q Thank you.</p> <p>19 As well as individuals at Capitol Hill</p> <p>20 Consulting Group?</p> <p>21 A Yes. Capitol Hill Consulting Group,</p> <p>22 Venable, the Gibson Group, and Alston & Bird.</p> <p>23 Q And what were you telling them in this</p> <p>24 e-mail?</p>	<p>1 said exactly at the DEA meeting. I know the --</p> <p>2 the intent was to communicate what we believed was</p> <p>3 the potential for the product to mitigate misuse</p> <p>4 and abuse of the original formulation.</p> <p>5 BY MS. AMINOLROAYA:</p> <p>6 Q And if you look at the second to last</p> <p>7 sentence in your e-mail here, are you telling the</p> <p>8 recipients of this e-mail that you -- that: "The</p> <p>9 new quota would be designated exclusively for the</p> <p>10 new product designed to be crush-resistant"?</p> <p>11 A Those are the words I used.</p> <p>12 Q And this is what you told the DEA?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't remember what we</p> <p>15 told the DEA. And most of the talking at the DEA</p> <p>16 meeting was done by our DEA representative, our --</p> <p>17 the person who handled our DEA matters.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Okay. Turn, please, with me one page</p> <p>20 over. And do you see this is a letter to DEA</p> <p>21 Administrator, Michele M. Leonhart?</p> <p>22 A I do.</p> <p>23 Q And you see this is a letter that's</p> <p>24 signed by Brian Lortie on the second page.</p>
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<p>1 A I'm just reading the e-mail for a</p> <p>2 moment. (Peruses document.)</p> <p>3 We had enlisted members of Congress and</p> <p>4 the Administration in an effort to increase</p> <p>5 oxymorphone quota so that we could launch Opana ER</p> <p>6 ADF at risk, and destroy the product if the FDA</p> <p>7 didn't approve it, but if the FDA did approve it,</p> <p>8 it would put us in a position to -- to launch the</p> <p>9 product in -- and in that event, we assured the</p> <p>10 DEA we would seek to withdraw the original</p> <p>11 formulation from the distribution stream. And so</p> <p>12 we did this because we believed the new</p> <p>13 formulation had the potential to mitigate misuse</p> <p>14 and abuse of the product.</p> <p>15 Q And did you communicate your request for</p> <p>16 additional quota for oxymorphone to the DEA?</p> <p>17 A We did. And I did that with colleagues</p> <p>18 at Endo who were responsible for -- for dealing</p> <p>19 with the DEA.</p> <p>20 Q And did Endo tell the DEA that Endo's</p> <p>21 reformulated Opana ER was designed to be crush-</p> <p>22 resistant?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I don't recall what we</p>	<p>1 But at the -- at the end of the first</p> <p>2 paragraph, do you see that Mr. Lortie is telling</p> <p>3 the DEA Administrator here that the -- the</p> <p>4 reformulated Opana ER is designed to be</p> <p>5 crush-resistant?</p> <p>6 A I'm trying to find that in the letter.</p> <p>7 It's right here. Okay.</p> <p>8 Q It's right before the sentence -- the</p> <p>9 last sentence in the first paragraph.</p> <p>10 A He does write that.</p> <p>11 Q And you echo this in your comments to</p> <p>12 the recipients of the e-mail, correct?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q You echo this statement that Endo told</p> <p>16 the DEA that Opana ER was designed to be</p> <p>17 crush-resistant --</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q -- in your e-mail to the recipients in</p> <p>21 the bcc row.</p> <p>22 A My comment about crush-resistant was</p> <p>23 related to designating the approval of new quota</p> <p>24 for the ADF formulation.</p>

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<p>1 Q And do you know at this time whether 2 Endo had received approval for Opana ER as an ADF 3 formulation?</p> <p>4 A No, we had not.</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 MS. AMINOLROAYA: 1921.</p> <p>7 (Munroe Exhibit No. 41 was marked 8 for identification.)</p> <p>9 BY MS. AMINOLROAYA:</p> <p>10 Q I'm handing you Exhibit 41, which is 11 EPI001313856. It's E-numbered 1921.</p> <p>12 And if you look at the last page of this 13 document, to orient us, the date is January 4th, 14 2011. And this is from Parinda Jani at FDA to 15 Mr. Barto. This is approximately ten months 16 before you send Exhibit 40 to various recipients 17 of House and Senate.</p> <p>18 And let's take a look at page 2 of the 19 document.</p> <p>20 Actually, sorry, before you do that, or 21 review that, let's look at the beginning of the 22 document to orient -- orient us. So this is a 23 letter to Mr. Barto. FDA is telling Mr. Barto 24 that it's looked at Endo's new drug application</p>	<p>1 2011, FDA told Endo that it should not -- the 2 product label for Opana ER should not state that 3 the drug provides resistance to crushing?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I was not privy to ongoing 6 conversations between the FDA and the company, at 7 any company I've worked for. My role in 8 government affairs was to represent the company's 9 interests before elected and appointed officials.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q So no one told you about this letter 12 from FDA?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't recall ever seeing 15 this letter.</p> <p>16 BY MS. AMINOLROAYA:</p> <p>17 Q No one told you that FDA told Endo that 18 its request for Opana ER to be approved as an 19 abuse-deterrent formulation had been denied?</p> <p>20 MR. DAVIS: Objection to form, 21 mischaracterizes the document.</p> <p>22 THE WITNESS: I had many, many 23 conversations with Endo executives about Opana ER, 24 the details of which totally escape me. I have no</p>
<p>1 for Revopan, oxymorphone hydrochloride, extended 2 release.</p> <p>3 Do you know Revopan to refer to Opana ER 4 reformulated?</p> <p>5 A I didn't --</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I did not know that.</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q Okay. I'll represent to you that we've 10 seen that in -- in the Endo documents.</p> <p>11 And if we take a look at the 12 recommendations here of FDA, the last bullet, this 13 has the recommendations of the controlled 14 substance staff at FDA, and do you see there that 15 FDA tells Endo that: "The product label should 16 not include language asserting that Revopan or 17 Opana ER reformulated provides resistance to 18 crushing because it may provide a false sense of 19 security since the products may be chewed and 20 ground for subsequent abuse"?</p> <p>21 A I'm not a formulation scientist, and 22 I've never seen this document before. So I really 23 can't speak to it.</p> <p>24 Q Were you aware that in beginning of</p>	<p>1 recollection of the details of those 2 conversations. I can tell you that I am not a 3 formulation scientist --</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Mm-hmm.</p> <p>6 A -- or an FDA expert, and that I've 7 never -- I don't recall ever seeing this document.</p> <p>8 Q So when you were speaking to senators, 9 the DEA, you -- regarding the new formulation that 10 Endo was coming up -- the new Opana ER formulation 11 that Endo was seeking to launch, did you inform 12 yourself about the drug from anyone at the 13 company?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: It wasn't necessary for me 16 to do that because I had subject matter experts 17 with me.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q And your subject matter experts were 20 telling DEA, even after FDA told the company that 21 it should not say that the drug is resistant to 22 crushing, your subject matter experts were telling 23 members of Congress, DEA officials, that the drug 24 was designed to be crush-resistant.</p>

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<p>1 MR. DAVIS: Objection to form.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q Is that correct?</p> <p>4 A You'll have to ask them.</p> <p>5 Q Well, we just looked at a document from</p> <p>6 Mr. Lortie where he tells the DEA Administrator</p> <p>7 that the drug is designed to be crush-resistant,</p> <p>8 correct?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: Again, questions about</p> <p>11 what -- what Brian Lortie wrote or -- or what he</p> <p>12 said or what he knew, I would implore you to ask</p> <p>13 him.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Now, you echoed this description of</p> <p>16 Opana ER reformulated in your e-mail to senators.</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: What was the question?</p> <p>19 BY MS. AMINOLROAYA:</p> <p>20 Q I said, did you echo the description of</p> <p>21 Opana ER reformulated as designed to be crush-</p> <p>22 resistant in your e-mail?</p> <p>23 A We believed Opana ER ADF had the</p> <p>24 potential to mitigate misuse and abuse, which is</p>	<p>1 abuse, which is why I was working with members of</p> <p>2 Congress and the Administration, and -- and</p> <p>3 petitioning the DEA for additional quota.</p> <p>4 MS. AMINOLROAYA: Withdraw the last</p> <p>5 question.</p> <p>6 (Munroe Exhibit No. 42 was marked</p> <p>7 for identification.)</p> <p>8 BY MS. AMINOLROAYA:</p> <p>9 Q We're handing you Exhibit 42. This is</p> <p>10 ENDO-CHI-LIT00096310. It's E1771.</p> <p>11 And is this a letter from Will Rowe to</p> <p>12 the American Pain Foundation? If you turn to the</p> <p>13 second and third page of the document.</p> <p>14 A (Peruses document.) I don't recall this</p> <p>15 letter from eight years ago, but I have just read</p> <p>16 it.</p> <p>17 Q Thank you.</p> <p>18 And does -- is the American Pain</p> <p>19 Foundation the same group that Endo provided</p> <p>20 millions of dollars in financial support to?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: You'll have to ask the</p> <p>23 American Pain Foundation about their finances.</p> <p>24 BY MS. AMINOLROAYA:</p>
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<p>1 why we were bringing the product forward.</p> <p>2 MS. AMINOLROAYA: Move to strike as</p> <p>3 nonresponsive.</p> <p>4 BY MS. AMINOLROAYA:</p> <p>5 Q Did you echo the description of Opana ER</p> <p>6 reformulated as designed to be crush-resistant in</p> <p>7 your e-mail to members of the Senate, House and</p> <p>8 the Executive Branch?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: We believed that Opana ER</p> <p>11 ADF had the potential to mitigate misuse and</p> <p>12 abuse, which was why we were bringing that product</p> <p>13 forward.</p> <p>14 BY MS. AMINOLROAYA:</p> <p>15 Q Stick with my question, Mr. Munroe.</p> <p>16 MS. AMINOLROAYA: And I'm going to move</p> <p>17 to strike your last answer as nonresponsive.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Did you tell members of government that</p> <p>20 Opana ER was designed -- Opana ER reformulated was</p> <p>21 designed to be crush-resistant?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: Our view of Opana ER was</p> <p>24 that it had the potential to mitigate misuse and</p>	<p>1 Q And is that what you told Senator</p> <p>2 Grassley in your -- Endo's response to his</p> <p>3 investigation?</p> <p>4 A We were very comprehensive in our</p> <p>5 response to Senator Grassley, and we individually</p> <p>6 made notation of contributions that we made to</p> <p>7 independent third-party organizations. Those are</p> <p>8 details that we've talked about during this</p> <p>9 testimony.</p> <p>10 Q Yeah, so if that document reflects that</p> <p>11 Endo provided millions of dollars to the APF, you</p> <p>12 wouldn't dispute that.</p> <p>13 A I don't know the amounts that are in</p> <p>14 that document.</p> <p>15 Q Let's take a look at 287.</p> <p>16 A You'd have to get a calculator out.</p> <p>17 Q You provided it in a total format, so we</p> <p>18 actually don't need a calculator. We just need to</p> <p>19 look at E287.</p> <p>20 A Do you --</p> <p>21 Q It's Exhibit 21, if I'm recalling</p> <p>22 correctly.</p> <p>23 And if you look at page 25 of the</p> <p>24 document, do you see that total payments that Endo</p>

<p style="text-align: right;">Page 298</p> <p>1 told Senator Grassley it provided to the American 2 Pain Foundation was \$5,941,671.40?</p> <p>3 A I'm just looking -- yes, over a 13-year 4 period.</p> <p>5 Q Thank you.</p> <p>6 And turning back to our last exhibit, 7 42.</p> <p>8 A Yes.</p> <p>9 Q Does Mr. Rowe at the American Pain 10 Foundation write to the DEA, again DEA 11 Administrator Leonhart on October 6, 2011?</p> <p>12 A I don't recall this letter, but it -- it 13 appears that that's the case.</p> <p>14 Q And is Mr. Rowe lobbying the DEA here, 15 in the last paragraph, does he write: "Our strong 16 endorsement of these products leads us to support 17 a timely approval of Endo's pharmaceutical 18 application for additional oxymorphone quota to 19 speed the manufacture and delivery of the new 20 tamper-resistant Opana ER"?</p> <p>21 A You've read that correctly.</p> <p>22 Q And is this ten months after FDA tells 23 Endo that it should not be making this claim about 24 Opana ER reformulated?</p>	<p style="text-align: right;">Page 300</p> <p>1 Q Exhibit 44, EPI001504213, and it's 2 E-numbered 1782.</p> <p>3 And this an e-mail from you to your 4 colleagues at Endo on December 15th, 2011?</p> <p>5 A It appears to be that.</p> <p>6 Q And are you attaching a letter from the 7 DEA here?</p> <p>8 A I would just like a moment to read the 9 e-mail since it's eight years old.</p> <p>10 (Peruses document.)</p> <p>11 Q And do you know if this message to DEA 12 that Opana ER reformulated was crush-resistant, 13 was that delivered to DEA?</p> <p>14 A I recall the interaction with the late 15 John Dingell. And I -- I recall a meeting with -- 16 with Congressman Dingell and talking to him about 17 this issue, but I don't recollect the letter that 18 Congressman Dingell wrote to the DEA. I do 19 remember in the meeting him committing to writing 20 a letter to the DEA, but I don't recall what was 21 in that letter.</p> <p>22 This appears to be a response to 23 Congressman Dingell from the FDA, which I have no 24 recollection of -- of reviewing. But it does say</p>
<p style="text-align: right;">Page 299</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I don't want to agree with 3 that characterization because I was not involved 4 with the back and forth conversations between the 5 company and FDA, and I'm also not a -- a 6 formulation scientist.</p> <p>7 BY MS. AMINOLROAYA:</p> <p>8 Q But you did tell members of Congress and 9 the Senate, you did describe Opana ER reformulated 10 as designed to be crush-resistant.</p> <p>11 A When it --</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: When it comes to Opana ER, 14 we believed that Opana ER ADF had the potential to 15 mitigate misuse and abuse, which is why we were 16 choosing to bring it forward.</p> <p>17 MS. AMINOLROAYA: Withdrawn.</p> <p>18 BY MS. AMINOLROAYA:</p> <p>19 Q Mr. Munroe, if you're not going to 20 answer my question, I'm going to withdraw the 21 question and your testimony is meaningless.</p> <p>22 (Munroe Exhibit No. 44 was marked 23 for identification.)</p> <p>24 BY MS. AMINOLROAYA:</p>	<p style="text-align: right;">Page 301</p> <p>1 that in the -- in the cover e-mail that this was 2 from Congressman Dingell's staff to me forwarding 3 on the letter they received to the FDA -- from the 4 FDA.</p> <p>5 Q And in the response to Congressman 6 Dingell's letter on page 4 of the document, did 7 DEA commend Endo for formulating a crush-resistant 8 tablet?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I have no recollection of 11 what's in this letter. Would you like me to read 12 the letter?</p> <p>13 BY MS. AMINOLROAYA:</p> <p>14 Q No, just if we can highlight the 15 language here, we'll -- it says: "While DEA 16 commends Endo for formulating a crush-resistant 17 tablet, the drug is abused by oral means. In 18 other words, the new formulation will prevent 19 insufflation and injection, but it will do nothing 20 to present -- to prevent oral abuse."</p> <p>21 So did DEA understand somehow that 22 Opana ER was crush-resistant?</p> <p>23 A You would have to --</p> <p>24 MR. DAVIS: Objection to form.</p>

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<p>1 THE WITNESS: -- ask the DEA.</p> <p>2 BY MS. AMINOLROAYA:</p> <p>3 Q And this is despite that FDA had told</p> <p>4 the company months earlier not to market the drug</p> <p>5 as crush-resistant.</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 Mischaracterization of the record.</p> <p>8 THE WITNESS: That is a total</p> <p>9 mischaracterization. These are DEA's words.</p> <p>10 BY MS. AMINOLROAYA:</p> <p>11 Q And somehow Congressman Dingell</p> <p>12 communicated to DEA that Opana ER, and Mr. Rowe as</p> <p>13 well, was crush-resistant when FDA had conveyed to</p> <p>14 Endo that those words were not to be used in the</p> <p>15 description of Opana ER.</p> <p>16 MR. DAVIS: Objection.</p> <p>17 Mischaracterization of the documents.</p> <p>18 THE WITNESS: We believed that Opana ER</p> <p>19 had the potential to mitigate misuse and abuse,</p> <p>20 which is why we went forward with our effort to</p> <p>21 increase oxymorphone quota so that we could</p> <p>22 transition the product once it was approved by the</p> <p>23 FDA or destroy the product if it was not approved</p> <p>24 by the FDA.</p>	<p>1 with document production, the MDL deposition</p> <p>2 protocol or the protocol that's at issue in the</p> <p>3 Stalbus or Dunaway matters.</p> <p>4 MR. DAVIS: Yeah, same response that we</p> <p>5 have on the record for all of these, that we</p> <p>6 disagree. We believe we've complied with document</p> <p>7 production requirements and the MDL deposition</p> <p>8 protocol.</p> <p>9 MS. HERZFELD: Okay. Great.</p> <p>10 BY MS. HERZFELD:</p> <p>11 Q Mr. Munroe, you have two sets of</p> <p>12 attorneys here today; is that correct?</p> <p>13 A No.</p> <p>14 Q Okay. So who is your attorney?</p> <p>15 A I'm represented by Arnold & Porter.</p> <p>16 They're joined by the -- the legal team at Endo</p> <p>17 and Walter Cohen at Obermayer.</p> <p>18 Q Okay. So what about my question if you</p> <p>19 have two sets of attorneys was incorrect?</p> <p>20 A Oh, I was referring to also the -- the</p> <p>21 Endo legal team.</p> <p>22 Q Okay. So you have Endo in-house</p> <p>23 counsel. Is that correct?</p> <p>24 A Yeah, I don't -- I don't know if there</p>
<p>1 MS. AMINOLROAYA: Withdraw the question.</p> <p>2 I have no further questions at this</p> <p>3 time.</p> <p>4 THE VIDEOGRAPHER: Should we go off the</p> <p>5 record?</p> <p>6 MR. DAVIS: Yeah, we can go off.</p> <p>7 THE VIDEOGRAPHER: The time is 6:06 p m.</p> <p>8 We're going off the record.</p> <p>9 (Recess.)</p> <p>10 THE VIDEOGRAPHER: The time is 6:20 p m.</p> <p>11 and we're back on the record.</p> <p>12 EXAMINATION BY COUNSEL FOR THE</p> <p>13 TENNESSEE PLAINTIFFS</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay, Mr. Munroe, my name is Tricia</p> <p>16 Herzfeld. I'm an attorney representing the</p> <p>17 plaintiffs in the Tennessee state litigation.</p> <p>18 Are you familiar with the Tennessee</p> <p>19 state litigation?</p> <p>20 A I'm not.</p> <p>21 Q Okay.</p> <p>22 MS. HERZFELD: And I'm going to go ahead</p> <p>23 and put on the record our usual objections. We</p> <p>24 don't believe that the defendants have complied</p>	<p>1 is a direct representation there. So -- so maybe</p> <p>2 it is two.</p> <p>3 Q Okay. And have you signed a</p> <p>4 representation agreement with Arnold & Porter?</p> <p>5 A I have.</p> <p>6 Q Okay. And are you paying Arnold &</p> <p>7 Porter?</p> <p>8 A No.</p> <p>9 Q Okay. And what was the name of your</p> <p>10 other attorney?</p> <p>11 A Walter Cohen.</p> <p>12 Q Walter Cohen. And do you have a</p> <p>13 representation agreement with Mr. Cohen?</p> <p>14 A I do.</p> <p>15 Q Okay. And are you paying Mr. Cohen?</p> <p>16 A No.</p> <p>17 Q Okay. Who is paying Mr. Cohen, if you</p> <p>18 know?</p> <p>19 A Endo.</p> <p>20 Q Okay. And when was Mr. Cohen hired, to</p> <p>21 your knowledge?</p> <p>22 A Both firms have been hired in the last</p> <p>23 few weeks.</p> <p>24 Q Okay. And did you ask for separate</p>

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1 counsel or was it offered to you?	
2 MR. DAVIS: Objection to form to the	
3 extent that it requires you to divulge	
4 conversations you've had with legal counsel.	
5 THE WITNESS: I've been advised by my	
6 attorney not to answer that question.	
7 BY MS. HERZFELD:	
8 Q And that's how you took his -- his	8 MR. DAVIS: Again, objection to form.
9 advice there? He said answer it if you can answer	9 And, Brian --
10 it.	10 This is a question that is designed
11 So my question is, without divulging	11 purely to harass the witness.
12 attorney-client information, can you answer the	12 If you want to ask him some substantive
13 question?	13 questions about events in Tennessee that were not
14 A No.	14 covered by the MDL plaintiffs, you're free to do
15 Q Okay. And so you're relying on the	15 so. We welcome your participation in that. But
16 advice of your attorney and refusing to answer the	16 if you're going to ask questions that are solely
17 question in this deposition?	17 designed to harass Mr. Munroe, we're just going to
18 A Correct.	18 stop.
19 Q Okay. Very good.	19 MS. HERZFELD: Okay. And if you could
20 Okay. And have you taken any medication	20 just take down the time right now, Ms. Court
21 today that could impact your memory?	21 Reporter, please.
22 A No.	22 I'm not going to have my two hours of
23 Q Okay. Have you had any sort of physical	23 time taken up by your speaking objections.
24 injury or physical impairment that could affect	24 MR. DAVIS: Well, we're not going to
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1 your memory?	1 waste Mr. Munroe's time with questions that are
2 MR. DAVIS: I'll just object. These are	2 designed to solely harass him. If you have
3 all preliminary questions that were covered by the	3 Tennessee-specific questions, we welcome them.
4 MDL plaintiffs counsel. I think our agreement is	4 Please go ahead. Otherwise, we'll take
5 to non-duplicative questioning. So if we could	5 Mr. Munroe, and we can stop this now.
6 get to the Tennessee-specific non-duplicative	6 MS. HERZFELD: I will ask my questions.
7 questioning sooner rather than later, I think we'd	7 I'll ask my question. You're not going to tell me
8 all appreciate it.	8 what questions I can ask and what questions I
9 BY MS. HERZFELD:	9 cannot.
10 Q If you could answer my question, please,	10 MR. DAVIS: Well, you may be -- you may
11 sir.	11 be asking questions of an empty chair if they're
12 A No.	12 not Tennessee specific and they're not unique.
	13 MS. HERZFELD: Okay. Great.
	14 BY MS. HERZFELD:
	15 Q In any event, Mr. Munroe, do you have
	16 some problems with your memory?
	17 MR. DAVIS: Objection to form.
	18 THE WITNESS: I don't.
	19 BY MS. HERZFELD:
	20 Q Okay. So do you know about the illegal
	21 drug market for Opana?
	22 MR. DAVIS: Objection to form.
	23 THE WITNESS: I'm not an expert in the
	24 illegal drug market for Opana.

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<p>1 BY MS. HERZFELD:</p> <p>2 Q I didn't ask you if you were an expert</p> <p>3 in the illegal drug market for Opana. I asked you</p> <p>4 if you were aware of the illegal drug market for</p> <p>5 Opana.</p> <p>6 Are you aware of the illegal drug market</p> <p>7 for Opana?</p> <p>8 A I am aware that all opioids carry a risk</p> <p>9 of misuse and abuse.</p> <p>10 Q Okay. But my question was, are you</p> <p>11 aware of the illegal drug market for Opana?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I am aware of the risks</p> <p>14 that all opioids carry for misuse and abuse.</p> <p>15 MS. HERZFELD: And that was</p> <p>16 nonresponsive to my question.</p> <p>17 BY MS. HERZFELD:</p> <p>18 Q Do you know that Opana is sold on the</p> <p>19 street in the black market?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I do understand that all</p> <p>22 opioids carry a risk of misuse and abuse.</p> <p>23 BY MS. HERZFELD:</p> <p>24 Q Okay. So you've now given me the same</p>	<p>1 MS. HERZFELD: And your speaking</p> <p>2 objections are completely inappropriate.</p> <p>3 MR. DAVIS: You just asked me a</p> <p>4 question.</p> <p>5 MS. HERZFELD: Under the MDL protocol,</p> <p>6 you are allowed to object to the form, and that is</p> <p>7 it.</p> <p>8 MR. DAVIS: I'm -- you asked me a direct</p> <p>9 question, and I'm answering it.</p> <p>10 MS. HERZFELD: I'm going to make my</p> <p>11 record right now. If we don't get answers from</p> <p>12 this witness today, we will be going straight to</p> <p>13 the judge to be asking to re-depose him.</p> <p>14 Now, I at this point have agreed --</p> <p>15 MR. DAVIS: If you want --</p> <p>16 MS. HERZFELD: -- to do two hours of</p> <p>17 questioning in order to see if we can keep the</p> <p>18 burden of this witness to a minimum. However, if</p> <p>19 we're going to sit here for two hours, and he</p> <p>20 can't answer a basic question, we're just going to</p> <p>21 go to the judge.</p> <p>22 MR. DAVIS: You're not asking him</p> <p>23 questions for Tennessee. You're not asking</p> <p>24 questions for which you've laid a foundation.</p>
<p style="text-align: center;">Page 311</p> <p>1 answer three different times and none of them have</p> <p>2 answered my question.</p> <p>3 Are you aware that Opana is sold on the</p> <p>4 black market?</p> <p>5 MR. DAVIS: Objection to form, and asked</p> <p>6 and answered.</p> <p>7 THE WITNESS: I am aware that all</p> <p>8 opioids carry a risk of misuse and abuse.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Are you aware that any opioids are sold</p> <p>11 on the black market?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 Foundation.</p> <p>14 THE WITNESS: I am aware that all</p> <p>15 opioids carry a risk of misuse and abuse.</p> <p>16 MS. HERZFELD: Okay. We're going to</p> <p>17 stop right now. Is he going to answer the</p> <p>18 questions today or is he going to continue just</p> <p>19 saying the same thing over and over again?</p> <p>20 MR. DAVIS: He's going to answer your</p> <p>21 questions. Just because you don't like his answer</p> <p>22 doesn't mean he's not answering them. And</p> <p>23 frankly, you could lay maybe just a touch of</p> <p>24 foundation for any of these questions.</p>	<p style="text-align: center;">Page 313</p> <p>1 You've only -- you've asked him again --</p> <p>2 MS. HERZFELD: Will you please mark this</p> <p>3 down for my time.</p> <p>4 MR. DAVIS: -- by asking questions to</p> <p>5 purely harass him.</p> <p>6 MS. HERZFELD: I would like to reclaim</p> <p>7 my time at the end.</p> <p>8 MR. DAVIS: And, frankly, if you want to</p> <p>9 take this record to a state court judge in</p> <p>10 Northern Virginia, we can do that, but we --</p> <p>11 MS. HERZFELD: No, I'll take --</p> <p>12 MR. DAVIS: -- we welcome -- we welcome</p> <p>13 your participation with respect to questions</p> <p>14 related to Tennessee.</p> <p>15 MS. HERZFELD: Okay. I want to go --</p> <p>16 MR. DAVIS: I'm happy to have the</p> <p>17 witness answer that.</p> <p>18 MS. HERZFELD: I want to reclaim my time</p> <p>19 from this ridiculous speaking objection, please.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Now, you're aware that Opana is sold on</p> <p>22 the black market; is that correct?</p> <p>23 MR. DAVIS: Objection to form,</p> <p>24 foundation.</p>

<p style="text-align: right;">Page 314</p> <p>1 MS. HERZFELD: No speaking objections.</p> <p>2 Object to form is what the MDL protocol says.</p> <p>3 Object to form.</p> <p>4 MR. DAVIS: That's an objection to form.</p> <p>5 Foundation is an objection to the form of the</p> <p>6 question.</p> <p>7 MS. HERZFELD: No, it's not.</p> <p>8 THE WITNESS: I don't want to speak to</p> <p>9 issues that I'm not informed about, and the black</p> <p>10 market for prescription drugs is not an issue that</p> <p>11 I'm informed about.</p> <p>12 BY MS. HERZFELD:</p> <p>13 Q Okay. So you are unaware that opioid</p> <p>14 medication is sold illegally in the black market.</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I don't know what the</p> <p>17 black market means.</p> <p>18 I do -- I would tell you that I realize</p> <p>19 fully that all opioid products carry a risk of</p> <p>20 misuse and abuse. So I'm -- I'm clear on that</p> <p>21 point.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. So you're aware that people</p> <p>24 inject Opana ER, are you not?</p>	<p style="text-align: right;">Page 316</p> <p>1 your knowledge?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I am not a physician or a</p> <p>4 medical expert, and I'm uncomfortable speaking</p> <p>5 about issues and which is the appropriate way to</p> <p>6 take Opana ER.</p> <p>7 BY MS. HERZFELD:</p> <p>8 Q Okay. But certain --</p> <p>9 A My understanding is the appropriate way</p> <p>10 to take it would be to swallow it.</p> <p>11 Q Okay. And so to inject it would</p> <p>12 indicate that someone is abusing Opana ER; is that</p> <p>13 correct?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: I am not a physician or a</p> <p>16 scientist or an abuse expert. So my</p> <p>17 understanding, which is really almost a layman's</p> <p>18 understanding, of how the product should be</p> <p>19 appropriately administered is orally.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. Have you ever heard of anyone</p> <p>22 being arrested for selling Opana ER without a</p> <p>23 prescription?</p> <p>24 MR. DAVIS: Objection to form.</p>
<p style="text-align: right;">Page 315</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I am aware that Opana ER</p> <p>3 has been abused.</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q Okay. And when you say you're aware</p> <p>6 that Opana ER has been abused, in which ways do</p> <p>7 you know it has been abused?</p> <p>8 A It has been abused by snorting and</p> <p>9 injecting.</p> <p>10 Q Okay. And what about taking it orally?</p> <p>11 A I don't know about that abuse.</p> <p>12 Q Okay. So you've never heard of someone</p> <p>13 taking orally an Opana -- an Opana pill without a</p> <p>14 prescription?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I -- I don't recall</p> <p>17 knowing about that form of abuse.</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Okay. But you did know about snorting</p> <p>20 and intravenous injection; is that correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. And so if someone is injecting</p> <p>23 Opana into their veins, is that typically the way</p> <p>24 that it has been prescribed for them to take, to</p>	<p style="text-align: right;">Page 317</p> <p>1 THE WITNESS: I don't recall being aware</p> <p>2 of that.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q Okay. And have you heard of any law</p> <p>5 enforcement actions for anyone selling opioid</p> <p>6 medication without a prescription?</p> <p>7 A I've read about stories in the</p> <p>8 newspaper.</p> <p>9 Q Okay. So you are aware that opioid</p> <p>10 medication can be sold illegally on the street; is</p> <p>11 that right?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I -- I have read press</p> <p>14 reports about that that would make me aware.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Okay. And you are aware that there was</p> <p>17 a problem with Opana ER injection in Tennessee; is</p> <p>18 that correct?</p> <p>19 A It is correct.</p> <p>20 Q Okay. And when did you first become</p> <p>21 aware of that?</p> <p>22 A I don't know the dates.</p> <p>23 Q Okay. And what is it that you -- what</p> <p>24 is it that you recall about the IV injection</p>

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<p>1 problem with Opana in Tennessee?</p> <p>2 A The details are fuzzy because it was</p> <p>3 sometime ago, but I -- I remember that it being</p> <p>4 localized in a -- in a particular locality of</p> <p>5 Tennessee. I do remember that.</p> <p>6 Q Do you know what a pill mill is?</p> <p>7 A I've read press reports of -- of what a</p> <p>8 pill mill is.</p> <p>9 Q Okay. And what is your understanding of</p> <p>10 what is a pill mill?</p> <p>11 A My understanding of a pill mill is a</p> <p>12 place where there's inappropriate prescribing or</p> <p>13 dispensing of pain medications.</p> <p>14 Q Okay. And when you say "inappropriate,"</p> <p>15 what do you mean?</p> <p>16 A Not according to good medical practice.</p> <p>17 Q Okay. Is your understanding that it's a</p> <p>18 place where people can get medication without a</p> <p>19 legitimate medical need?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I don't really know.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Do you know what "diversion" means in</p> <p>24 regards to opioids?</p>	<p>1 is that correct?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: I don't want to speak to</p> <p>4 all of the laws that control all of the</p> <p>5 manufacture, distribution, dispensing and</p> <p>6 prescribing of opioid medications because I'm not</p> <p>7 an expert in that area.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q Okay. But you would agree that at least</p> <p>10 some of that would be unlawful; is that correct?</p> <p>11 A I think that's fair to say.</p> <p>12 Q Okay. Okay. And so at some point you</p> <p>13 knew that there was a problem in Tennessee with</p> <p>14 the abuse and misuse of Opana, you said before; is</p> <p>15 that correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. And that problem was so bad at</p> <p>18 one point that Endo considered halting shipments</p> <p>19 of Opana to Tennessee; is that correct?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I think our response to</p> <p>22 Tennessee -- my understanding of the company's</p> <p>23 response to Tennessee is that we undertook a</p> <p>24 number of steps to mitigate the abuse and misuse</p>
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<p>1 A I think I do.</p> <p>2 Q Okay. And what is your definition of</p> <p>3 "diversion"?</p> <p>4 A My definition of "diversion" would be</p> <p>5 when an opioid product leaves the legitimate</p> <p>6 manufacturing distribution, dispensing,</p> <p>7 prescribing, lawful way in which pain patients,</p> <p>8 including terminally ill patients, cancer</p> <p>9 patients, end-of-life patients, or chronically ill</p> <p>10 pain patients, would lawfully get the -- get a</p> <p>11 prescription of pain medication.</p> <p>12 Q Okay. Okay. And then those pills that</p> <p>13 were diverted that you just described, your</p> <p>14 understanding is they would enter then the illegal</p> <p>15 market for pain medication; is that correct?</p> <p>16 A I wouldn't characterize it that, because</p> <p>17 I -- I'm just not close to that situation. I</p> <p>18 would say that if it left -- if a product left the</p> <p>19 legitimate, lawful manufacturing, distribution,</p> <p>20 dispensing, prescribing, lawful way in which a</p> <p>21 pain medication was appropriately prescribed for a</p> <p>22 patient who needed it, that that would constitute</p> <p>23 diversion.</p> <p>24 Q Okay. And diversion would be unlawful;</p>	<p>1 of our product.</p> <p>2 MS. HERZFELD: Okay. I'm going to move</p> <p>3 to strike that answer as nonresponsive.</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q My question was, and the problem with</p> <p>6 abuse and misuse of Opana in Tennessee was so bad</p> <p>7 that at some point Endo considered halting</p> <p>8 shipments of Opana to Tennessee; is that correct?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I think that's a</p> <p>11 mischaracterization. I think that there were</p> <p>12 certainly discussions. But your characterization</p> <p>13 that there was consideration is -- is a</p> <p>14 characterization that -- that -- that I don't</p> <p>15 recall.</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Okay. So you recall discussions of</p> <p>18 halting shipments of Opana to Tennessee. Is that</p> <p>19 an accurate statement of your testimony?</p> <p>20 A Yes.</p> <p>21 Q Okay. But it was not considered as an</p> <p>22 option?</p> <p>23 A I don't know -- I don't recall if it was</p> <p>24 considered or not.</p>

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<p>1 Q Okay. But you recall those discussions?</p> <p>2 A Yes.</p> <p>3 Q Okay. And do you recall discussions of</p> <p>4 halting shipments of Opana to any other</p> <p>5 localities?</p> <p>6 A I don't recall.</p> <p>7 Q Okay. And Endo did not stop shipping to</p> <p>8 Tennessee; is that correct?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I'm not in charge of our</p> <p>11 supply/distribution system. You'd have to ask our</p> <p>12 supply people.</p> <p>13 BY MS. HERZFELD:</p> <p>14 Q Okay. But did you ever hear of -- of</p> <p>15 Endo making the decision to halt shipments of</p> <p>16 Opana to Tennessee?</p> <p>17 A I did not hear that we had halted it.</p> <p>18 Q Have you ever lobbied Tennessee</p> <p>19 legislators relating to opioids?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I don't recall lobbying</p> <p>22 Tennessee legislators. There might have been</p> <p>23 somebody in my department who would have lobbied</p> <p>24 Tennessee legislators.</p>	<p>1 Q Okay. Do you have any specific memories</p> <p>2 of lobbying efforts towards Senator Lamar</p> <p>3 Alexander from Tennessee regarding Endo and</p> <p>4 opioids?</p> <p>5 A I certainly remember going in to see the</p> <p>6 Alexander staff on issues, because at one point he</p> <p>7 chaired an important committee, or was the ranking</p> <p>8 member on an important committee, but I don't</p> <p>9 recall what those lobbying issues were.</p> <p>10 Q Do you recall if they had anything to do</p> <p>11 with Endo's opioids?</p> <p>12 A I don't recall.</p> <p>13 Q Okay. So I want to make sure I</p> <p>14 understood your testimony from earlier.</p> <p>15 You had said that your role at</p> <p>16 government affairs was to represent the company's</p> <p>17 interests before elected and appointed officials.</p> <p>18 Do you recall that testimony?</p> <p>19 A What I recall representing was that --</p> <p>20 that I represented the company's interests where</p> <p>21 they intersected with benefits to society, public</p> <p>22 health, and a benefit to patients.</p> <p>23 Q Oh, yes, I remember that. You said it</p> <p>24 like 20 times.</p>
<p>1 BY MS. HERZFELD:</p> <p>2 Q Do you recall Endo engaging any lobbying</p> <p>3 activities with Marsha Blackburn regarding</p> <p>4 opioids?</p> <p>5 A I don't recall, although we might have.</p> <p>6 Q Okay.</p> <p>7 A As a member of the Energy and Commerce</p> <p>8 Committee, she would have been somebody that we</p> <p>9 might have gone and seen.</p> <p>10 I thought you were referring to</p> <p>11 Tennessee legislators --</p> <p>12 Q Oh, no, we'll get to that.</p> <p>13 A -- in Tennessee.</p> <p>14 Q No, no, we'll get to that.</p> <p>15 A Okay.</p> <p>16 Q Okay. And what about Bob Corker, do you</p> <p>17 have any recollection of any lobbying efforts to</p> <p>18 Senator Bob Corker from Tennessee on behalf of</p> <p>19 Endo for opioids?</p> <p>20 A I don't recollect them, but we may</p> <p>21 have -- you know, I saw many members of Congress</p> <p>22 in my time serving with Endo, many members of the</p> <p>23 United States Senate and their staffs. So we may</p> <p>24 have, but I -- I don't recall it.</p>	<p>1 But do you recall the testimony about</p> <p>2 the company's interests before -- you said your</p> <p>3 role at government affairs was to represent the</p> <p>4 company's interests before elected and appointed</p> <p>5 officials. Is that an accurate statement?</p> <p>6 MR. DAVIS: Objection to everything</p> <p>7 before the question, and objection to the question</p> <p>8 as purely duplicative of the testimony he gave for</p> <p>9 seven hours prior to this questioning.</p> <p>10 THE WITNESS: I did represent the</p> <p>11 company's interests where they intersected with</p> <p>12 benefits to society, public health, and benefits</p> <p>13 to patients.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. But my question was, is it an</p> <p>16 accurate statement that your role at government</p> <p>17 affairs was to represent the company's interests</p> <p>18 before elected and appointed officials? It's a</p> <p>19 very simple question.</p> <p>20 MR. DAVIS: Objection to form, and it's</p> <p>21 one that he answered many times on --</p> <p>22 THE WITNESS: I -- I disagree with your</p> <p>23 characterization because you're leaving out the</p> <p>24 part about benefits to society, public health, and</p>

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<p>1 benefits to patients.</p> <p>2 BY MS. HERZFELD:</p> <p>3 Q Okay, sir, it --</p> <p>4 A So I disagree with your characterization</p> <p>5 of my role at Endo.</p> <p>6 Q Okay. I wrote it down as a quote, but</p> <p>7 that's fine if you don't want to agree with me on</p> <p>8 that.</p> <p>9 You had said that you brought in subject</p> <p>10 matter experts when there were particular</p> <p>11 questions that you weren't the subject matter</p> <p>12 expert in when you were dealing with various</p> <p>13 legislators or the Executive Branch.</p> <p>14 Did I understand that correctly?</p> <p>15 A I -- I --</p> <p>16 MR. DAVIS: Objection to form. This is</p> <p>17 purely duplicative. If we could get to the</p> <p>18 Tennessee-specific questioning, I think we all in</p> <p>19 the room would appreciate it.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Can you answer my question, please.</p> <p>22 A I -- I often used subject matter</p> <p>23 experts.</p> <p>24 Q And so when you were using those subject</p>	<p>1 didn't mean to ask a question when you had water</p> <p>2 in your mouth.</p> <p>3 And other than the issue with Opana</p> <p>4 injection in Tennessee, do you recall other</p> <p>5 conversations about abuse of Opana or other</p> <p>6 opioids that were produced by Endo in Tennessee?</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: That were produced by Endo</p> <p>9 in Tennessee?</p> <p>10 BY MS. HERZFELD:</p> <p>11 Q That were manufactured by Endo being</p> <p>12 abused in Tennessee.</p> <p>13 A Oh, being abused in Tennessee.</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: There may have been</p> <p>16 conversations. I don't recall.</p> <p>17 BY MS. HERZFELD:</p> <p>18 Q Have you heard that Appalachia has been</p> <p>19 hit pretty hard by the opioid abuse epidemic?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I have. I have read the</p> <p>22 press reports.</p> <p>23 BY MS. HERZFELD:</p> <p>24 Q Okay. And when did you first get that</p>
<p>1 matter experts, would they meet with the -- the</p> <p>2 various legislators on their own or would you be</p> <p>3 present at that time?</p> <p>4 A In almost --</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: In almost every case, I</p> <p>7 would be with them.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q Okay.</p> <p>10 A But perhaps not exclusively.</p> <p>11 Q Okay. Throughout your tenure at Endo,</p> <p>12 how often was the abuse of Opana in Tennessee</p> <p>13 discussed?</p> <p>14 MR. DAVIS: Objection to form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: I have no idea.</p> <p>17 BY MS. HERZFELD:</p> <p>18 Q Okay. You said that you knew about the</p> <p>19 problem on -- with Opana injection in Tennessee;</p> <p>20 is that right?</p> <p>21 A Mm-hmm.</p> <p>22 Q Is that a "yes"?</p> <p>23 A Yes.</p> <p>24 Q I know you were drinking water, so I</p>	<p>1 knowledge?</p> <p>2 A I don't recall.</p> <p>3 Q And do you consider Tennessee to be part</p> <p>4 of Appalachia?</p> <p>5 A It's certainly a part of Tennessee.</p> <p>6 Q Okay. Were you ever present when anyone</p> <p>7 at Endo discussed ways to address the abuse issues</p> <p>8 of opioids in Tennessee?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I was -- I do recall</p> <p>11 conversations involving such abuse in Tennessee.</p> <p>12 I don't recall the details of those conversations,</p> <p>13 but -- but I do recall that the company discussed</p> <p>14 the issue and that there was a -- kind of a</p> <p>15 multilayered, multifactorial kind of approach that</p> <p>16 the company was going to undertake to -- to</p> <p>17 mitigate the abuse and misuse of the product in</p> <p>18 Tennessee.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q Okay. And what was that multilayered,</p> <p>21 multifactorial approach to mitigate the abuse and</p> <p>22 misuse of the product in Tennessee?</p> <p>23 A I don't know the details of that. I</p> <p>24 would point you to our pharmacovigilance and</p>

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<p>1 medical affairs staff, in particular, Dr. Neil 2 Shusterman, who led the company -- as I 3 understand, led the company's efforts in that 4 regard.</p> <p>5 Q Okay. Do you know if any actual steps 6 were taken as part of that multilayered, 7 multifaceted approach to stopping the abuse and 8 misuse of Opana in Tennessee?</p> <p>9 A I only know of one effort that I was 10 involved with, and it was a -- a donation to 11 drugfree.org and Drug-Free Kids that was meant to 12 prevent prescription drug abuse, particularly in 13 Tennessee, and it was a sizeable donation. I 14 don't remember the exact amount.</p> <p>15 Q Okay. And how did those donations come 16 about?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I don't understand the 19 question.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Sure. Whose idea was it to donate money 22 to those two organizations?</p> <p>23 A I -- I don't recall. I think that there 24 were discussions going on at the company about</p>	<p>1 A I would ask James Manser. 2 Q And how was that organization, 3 drugfree.org and Drug-Free Kids, how was that 4 chosen?</p> <p>5 A I don't recall.</p> <p>6 Q Okay. Do you know what connection, if 7 any, drugfree.org and Drug-Free Kids has to 8 Tennessee?</p> <p>9 A No.</p> <p>10 Q Do you know what about that donation 11 would have been expected to impact Tennessee?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: Well, you would have to 14 ask them.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q "Them" being who?</p> <p>17 A Drugfree.org.</p> <p>18 Q Okay. And who made the decision to -- 19 to choose drugfree.org/Drug-Free Kids?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I have answered that 22 question already, and I don't recall the exact 23 process and the individuals who made that 24 decision.</p>
<p style="text-align: center;">Page 331</p> <p>1 what could be done, and I was involved in those 2 discussions. And subsequently, the company took 3 this kind of multilayered, multifactorial approach 4 and -- and took the actions they took.</p> <p>5 Q Okay. And so you know that there were 6 donations made to drugfree.org and Drug-Free Kids.</p> <p>7 A Yeah, it's the same organization.</p> <p>8 They -- it's kind of drugfree.org/Drug-Free Kids.</p> <p>9 Q Okay. And what year was that donation?</p> <p>10 A I don't recall.</p> <p>11 Q Do you recall if it was in the last five 12 years?</p> <p>13 A I would say it was in the last five 14 years.</p> <p>15 Q Okay. And when you say "a sizable 16 donation," do you mean hundreds of dollars or 17 hundreds of thousands of dollars or millions of 18 dollars?</p> <p>19 A I --</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I just don't recall.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. And where could I find 24 information about that donation?</p>	<p style="text-align: center;">Page 333</p> <p>1 BY MS. HERZFELD:</p> <p>2 Q Okay. And what was your role in that 3 process?</p> <p>4 A I knew of the drugfree.org organization 5 through their participation in the Pain Care Forum 6 as one of the preeminent drug prevention 7 organizations in the United States, and one of the 8 most revered and blue chip organizations dealing 9 with the prevention of drug abuse in America.</p> <p>10 MS. HERZFELD: I'm going to move to 11 strike that answer.</p> <p>12 BY MS. HERZFELD:</p> <p>13 Q My question was, what was your role in 14 the process of making that donation to pain 15 care -- or to drugfree.org/Drug-Free Kids? What 16 was your role in --</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I can't recall what 19 process we used as a company and my role in it.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. Did you attend meetings where it 22 was discussed?</p> <p>23 A I do remember there were discussions 24 that took place, and I would have been in some of</p>

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<p>1 those meetings.</p> <p>2 Q Okay. Was it your project to -- to</p> <p>3 facilitate that donation? Were you in charge of</p> <p>4 it?</p> <p>5 A I led a team at one point in 2016. We</p> <p>6 had an ongoing effort throughout the country and</p> <p>7 in Tennessee to mitigate the abuse and misuse of</p> <p>8 our products. I was designated to coordinate an</p> <p>9 internal team of executives in 2016, I believe,</p> <p>10 that would develop additional measures to mitigate</p> <p>11 the misuse and abuse of prescription drugs and our</p> <p>12 products.</p> <p>13 Q Okay. And so when that donation was</p> <p>14 made to drugfree.org/Drug-Free Kids, was that a</p> <p>15 donation made on behalf of Endo or by another</p> <p>16 organization that you were involved with?</p> <p>17 A It was -- it was made by Endo.</p> <p>18 Q Okay. And when that donation was made</p> <p>19 to -- to drugfree.org/Drug-Free Kids, was that</p> <p>20 made -- was that donation made as a part of a</p> <p>21 national effort on -- on opioid abuse or was it</p> <p>22 specific to Tennessee?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: We -- my understanding and</p>	<p>1 Tennessee?</p> <p>2 A I have previously pointed you to</p> <p>3 Dr. Neil Shusterman, who would have that</p> <p>4 information. I -- I'm unaware of the very</p> <p>5 specific, detailed steps the company took in</p> <p>6 Tennessee, but Neil would know, Dr. Shusterman</p> <p>7 would know.</p> <p>8 Q Okay. So we've exhausted your personal</p> <p>9 knowledge on that issue; is that correct?</p> <p>10 A I don't know whether we have or not.</p> <p>11 Q Well, I guess that's my question.</p> <p>12 So you're -- you're directing me to Dr.</p> <p>13 Shusterman to ask for information that you don't</p> <p>14 have.</p> <p>15 A He would best know.</p> <p>16 Q I understand that, but I want to make</p> <p>17 sure I understand everything that you know.</p> <p>18 And so you've told me about this</p> <p>19 donation to drugfree.org.</p> <p>20 What, if anything, else do you know</p> <p>21 personally?</p> <p>22 A I don't recall --</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: -- anything else.</p>
<p style="text-align: center;">Page 335</p> <p>1 my recollection is that we had programs that were</p> <p>2 meant to mitigate the misuse and abuse of opioid</p> <p>3 products nationally and in Tennessee.</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q Okay.</p> <p>6 A We had both.</p> <p>7 Q And so I guess what I'm asking is, when</p> <p>8 that donation was made to drugfree.org on -- by</p> <p>9 Endo, was that a part of a national program,</p> <p>10 national including Tennessee?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't recall the</p> <p>13 specifics.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. Was the donation made to</p> <p>16 drugfree.org specifically only for Tennessee?</p> <p>17 A I don't recall.</p> <p>18 Q Okay. Okay. And you also had talked</p> <p>19 about the multilayered, multifaceted approach that</p> <p>20 Endo had taken in response to the opioid issues in</p> <p>21 Tennessee.</p> <p>22 So other than this donation to</p> <p>23 drugfree.org, what other steps are you aware of</p> <p>24 that Endo took to curb the abuse of opioids in</p>	<p style="text-align: center;">Page 337</p> <p>1 BY MS. HERZFELD:</p> <p>2 Q Okay. Thank you very much for that.</p> <p>3 Okay. I am going to hand you what we</p> <p>4 will mark as Munroe Exhibit 45.</p> <p>5 (Munroe Exhibit No. 45 was marked</p> <p>6 for identification.)</p> <p>7 MS. HERZFELD: There's for you. And I</p> <p>8 think that's for everybody else if anybody wants</p> <p>9 them.</p> <p>10 Okay. For those on the phone, and for</p> <p>11 the record, this document is marked ENDO-OPIOID_</p> <p>12 MDL02667004 and 7005. It's a two-page document.</p> <p>13 BY MS. HERZFELD:</p> <p>14 Q Mr. Munroe, do you see that this is an</p> <p>15 e-mail that was sent from Brian Lortie to you on</p> <p>16 November 13th, 2014?</p> <p>17 A I do.</p> <p>18 Q Okay. And Brian Lortie was someone that</p> <p>19 you worked with at Endo; is that correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. Okay. And Brian Lortie was the</p> <p>22 president of Endo --</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 BY MS. HERZFELD:</p>

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<p>1 Q -- Branded Pharmaceuticals, yes?</p> <p>2 A Branded Pharmaceuticals.</p> <p>3 Q Okay. And so he sends -- this is an</p> <p>4 e-mail forwarding an e-mail from him to Jason</p> <p>5 Reckner, and then Jason to Brian Lortie, and then</p> <p>6 Brian Lortie to you; is that right?</p> <p>7 A Correct.</p> <p>8 Q Okay. And so looking from the bottom</p> <p>9 up, the e-mail from Brian Lortie to Jason Reckner</p> <p>10 says: "Jason, just making sure that you will take</p> <p>11 the lead on the Tennessee Opana actions from</p> <p>12 yesterday's review."</p> <p>13 Did I read that correctly?</p> <p>14 A Yes.</p> <p>15 Q Then it says: "Tennessee distribution</p> <p>16 flash Rx's in specific area. What if we closed</p> <p>17 off distribution there?" Question. "Impact on</p> <p>18 sales," question mark. "What did Purdue do and</p> <p>19 how?" Question mark. "Brian Munroe can provide</p> <p>20 assistance on this one through his contacts,"</p> <p>21 period.</p> <p>22 Did I read that correctly?</p> <p>23 A Yes.</p> <p>24 Q Okay. And so were you involved in this</p>	<p>1 does it not?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 THE WITNESS: There's a question in the</p> <p>4 e-mail.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q And what does the question say, if you</p> <p>7 could read it for me?</p> <p>8 A "Impact on sales," question mark.</p> <p>9 Q Okay. And then it says: "What did</p> <p>10 Purdue do and how?" Do you know what that means?</p> <p>11 MR. NOVY: Object to form.</p> <p>12 THE WITNESS: I think it's referring to</p> <p>13 did they cut off distribution to Tennessee.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. And had you ever heard about</p> <p>16 Purdue considering cutting off distribution of</p> <p>17 OxyContin to Tennessee?</p> <p>18 MR. NOVY: Objection.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. And then it says: "Brian Munroe</p> <p>22 can provide assistance on this one through his</p> <p>23 contacts," and the e-mail is then forwarded to</p> <p>24 you.</p>
<p style="text-align: center;">Page 339</p> <p>1 review where they were discussing the Tennessee</p> <p>2 Opana actions?</p> <p>3 A I don't recall if I was involved. I</p> <p>4 don't think I was.</p> <p>5 Q Okay. And do you know what they're</p> <p>6 referring to when they talk about Tennessee</p> <p>7 distribution or prescriptions in specific areas?</p> <p>8 A No, I don't.</p> <p>9 Q Okay. So the next line, when they say,</p> <p>10 "What if we closed off distribution there?" is</p> <p>11 your understanding that's when it was discussed</p> <p>12 whether they would stop -- whether Endo would stop</p> <p>13 distributing Opana in Tennessee?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: Discussions did take place</p> <p>16 at the company, and I think that's what this</p> <p>17 refers to.</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Okay. And when those discussions took</p> <p>20 place, was there also a discussion of the impact</p> <p>21 of closing off distribution in Tennessee on sales</p> <p>22 to Endo?</p> <p>23 A Not that I'm aware of.</p> <p>24 Q Okay. But it says that in this e-mail,</p>	<p style="text-align: center;">Page 341</p> <p>1 Did you follow up with your contacts at</p> <p>2 Purdue on -- to get that information in response</p> <p>3 to this e-mail?</p> <p>4 MR. NOVY: Objection to form.</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: I did.</p> <p>7 BY MS. HERZFELD:</p> <p>8 Q Okay. And what did you find out?</p> <p>9 A I found out that they had not</p> <p>10 discontinued distribution of their product, and I</p> <p>11 relayed that back to the commercial business. I'm</p> <p>12 not sure whether I spoke to Jason or to Brian.</p> <p>13 Q Okay. And who did you speak with to</p> <p>14 find out whether Purdue had discontinued</p> <p>15 distribution of its product in Tennessee?</p> <p>16 A I just called my counterpart in the</p> <p>17 Washington office.</p> <p>18 Q Okay. And who was your counterpart in</p> <p>19 the Washington office?</p> <p>20 A Burt Rosen.</p> <p>21 Q Okay. And what was the conversation</p> <p>22 with Mr. Rosen, to the best of your ability?</p> <p>23 MR. NOVY: Object to form.</p> <p>24 THE WITNESS: I just asked him if he</p>

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<p>1 had -- had Purdue cut off distribution.</p> <p>2 BY MS. HERZFELD:</p> <p>3 Q Okay. And how did he respond?</p> <p>4 MR. NOVY: Object to form.</p> <p>5 THE WITNESS: He said no.</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Okay. And was there any other</p> <p>8 conversation on that -- was it a telephone call?</p> <p>9 A I don't recall if it was in person or on</p> <p>10 the phone.</p> <p>11 Q Okay. Was that the substance of the</p> <p>12 conversation?</p> <p>13 A It was.</p> <p>14 Q Okay. And did Mr. Rosen ask why you</p> <p>15 were asking about Tennessee?</p> <p>16 MR. NOVY: Object to form. Foundation.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Okay. Did you ever have any other</p> <p>20 conversations with Mr. Rosen about an opioid issue</p> <p>21 in Tennessee?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 MR. NOVY: Objection.</p> <p>24 THE WITNESS: Not that I recall.</p>	<p>1 THE WITNESS: You would have to ask</p> <p>2 Mr. Rosen.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q But my question is, do you know if he</p> <p>5 knows?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I don't know what he</p> <p>8 knows.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Okay. Have you ever had any other</p> <p>11 discussions with Mr. Rosen about opioids in</p> <p>12 Tennessee?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 MR. NOVY: Objection.</p> <p>15 THE WITNESS: Not that I recall.</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Okay. And when you responded to either</p> <p>18 Mr. Reckner or Mr. Lortie about Purdue not cutting</p> <p>19 off distribution of OxyContin in Tennessee, how,</p> <p>20 if at all, did they respond?</p> <p>21 A I think they said -- and I don't</p> <p>22 remember who it was specifically, if it was Jason</p> <p>23 or Brian or my boss or somebody from corporate,</p> <p>24 but they said, "Thank you."</p>
<p>1 BY MS. HERZFELD:</p> <p>2 Q Okay. Do you recall having</p> <p>3 conversations with anybody else about opioids in</p> <p>4 Tennessee?</p> <p>5 MR. DAVIS: Objection to form.</p> <p>6 THE WITNESS: I might have, but I don't</p> <p>7 recall.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q Okay. If you might have, do you know</p> <p>10 who you might have had a conversation with?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MS. HERZFELD:</p> <p>14 Q You've known Mr. Rosen for a while,</p> <p>15 according to your testimony from this morning; is</p> <p>16 that correct?</p> <p>17 A Yes.</p> <p>18 MR. NOVY: Object to form.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q Okay. And do you know if Mr. Rosen was</p> <p>21 aware of the opioid abuse problems in Tennessee?</p> <p>22 MR. NOVY: Object to form and</p> <p>23 foundation.</p> <p>24 MR. DAVIS: Objection to form.</p>	<p>1 Q Okay. And was there any further</p> <p>2 conversation that you were aware of regarding</p> <p>3 getting information about whether Purdue was</p> <p>4 cutting off distribution of OxyContin in</p> <p>5 Tennessee?</p> <p>6 MR. NOVY: Objection to form.</p> <p>7 MR. DAVIS: Objection to form.</p> <p>8 THE WITNESS: I believe that ended it.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Okay. And what other discussions, if</p> <p>11 any, did you have with anyone at Endo about</p> <p>12 halting distribution of Opana in Tennessee?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I don't remember all the</p> <p>15 conversations I had about Tennessee --</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Okay.</p> <p>18 A -- while I was an employee at Endo.</p> <p>19 Q Would you say you had more than the</p> <p>20 conversation we just discussed?</p> <p>21 MR. DAVIS: Objection to form.</p> <p>22 THE WITNESS: There were discussions</p> <p>23 about the misuse and abuse of opioids in Tennessee</p> <p>24 while I was an employee at Endo, and I was a party</p>

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<p>1 to some of those discussions. But I don't recall 2 the details, I don't recall how many discussions 3 we had, who was in the room, when they took place. 4 I just knew that about issues that were going on 5 in Tennessee, and there were discussions that 6 happened, but beyond that, I wasn't terribly 7 involved.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q Okay. Did you provide any input about 10 whether Endo would cut off distribution of Opana 11 to Tennessee?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I don't recall providing 14 any input.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Okay. And who would make the decision? 17 Who is the person at Endo that would make the 18 decision of whether a drug was going to be cut off 19 from distribution to a particular state?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I don't now --</p> <p>22 MR. DAVIS: Foundation.</p> <p>23 THE WITNESS: I don't know how the 24 company's decision-making would work on -- on</p>	<p>1 be significant because of the impact it would have 2 on appropriate medication for appropriate 3 patients. So for me, I think of terminally 4 patients, patients with end-of-life issues, 5 terminally ill cancer patients, patients in 6 debilitating chronic pain. And so I think that's 7 why I use the term "significant."</p> <p>8 MS. HERZFELD: Okay. We can take a 9 break.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 THE VIDEOGRAPHER: The time is 7:01 p m. 12 We're going off the record.</p> <p>13 (Recess.)</p> <p>14 THE VIDEOGRAPHER: The time is 7:08 p m. 15 We're back on the record.</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Okay, Mr. Munroe, we're back after a 18 short break.</p> <p>19 I'm going to hand you the next exhibit, 20 which we will mark as Munroe Exhibit 46. It's 21 ENDO-OPIOID_MDL-02801542 and 43, 44, and a 22 smattering of attachments that end in 62.</p> <p>23 (Munroe Exhibit No. 46 was marked 24 for identification.)</p>
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<p>1 something that significant.</p> <p>2 MS. HERZFELD: Okay.</p> <p>3 MR. DAVIS: Brian, it's 7:00. Do you 4 want to take a quick break?</p> <p>5 THE WITNESS: Yeah, please.</p> <p>6 MS. HERZFELD: I -- I'm not quite 7 finished with my question.</p> <p>8 MR. DAVIS: Mr. Cohen has to leave.</p> <p>9 THE WITNESS: I'm just going to say 10 goodbye.</p> <p>11 MS. HERZFELD: Okay. But I'm not -- I'm 12 not finished with my question. I'd like to finish 13 my question.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. DAVIS: One more question.</p> <p>16 MS. HERZFELD: I'd like to finish my 17 question. I wasn't finished.</p> <p>18 THE WITNESS: Okay.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q When you say "significant," you think 21 that's a significant decision to cut off 22 distribution to a particular region of Opana?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 THE WITNESS: I -- I do believe it would</p>	<p>1 BY MS. HERZFELD:</p> <p>2 Q Okay. If you could take a look at this 3 for me very quickly, sir.</p> <p>4 A (Peruses document.)</p> <p>5 Q Does this appear to be an e-mail that 6 was sent from you to Scott Andrew on April the 7 14th, 2016?</p> <p>8 A Andrew Scott.</p> <p>9 Q Oh, I'm sorry, yes, sir. Andrew Scott.</p> <p>10 And who is Andrew Scott?</p> <p>11 A He was my employee in the Washington 12 office.</p> <p>13 Q Okay. And it looks like you are 14 forwarding an e-mail that you previously sent to 15 Brian Lortie, Paul Campanelli, Keri Mattox, and 16 then copying a bunch of other folks on April the 17 4th; is that right?</p> <p>18 A That would be correct, yes.</p> <p>19 Q Okay. And there you're talking about 20 the final draft of the Prescription Drug Abuse 21 Plan; is that correct?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 A This would have been the -- the effort</p>

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1 that I previously described in my testimony. 2 Q Okay. The efforts to -- 3 A Coordinate. 4 Q -- curb opioid abuse. Yes, okay. 5 And so did you develop this plan? 6 A You know, I would -- it was a team 7 effort, and I would say that I -- I more or less 8 coordinated the plan. 9 Q Okay. And on -- 10 A Because we had sub- -- subject matter 11 experts contributing to different parts of the 12 plan. 13 Q Okay. And before you were coordinating 14 these efforts in 2016, what program did Endo have 15 in place to identify signs of abuse and diversion 16 that sales representatives might observe in the 17 field? 18 MR. DAVIS: Objection to form. 19 THE WITNESS: That was a program that 20 was run -- I don't know if it was run. It was -- 21 it was coordinated by Endo legal, and at the time 22 the legal lead for that was Jenn Dubas. 23 BY MS. HERZFELD: 24 Q Okay.	1 effort, but at a level of detail that's 2 commensurate with what you just said and not much 3 else. 4 BY MS. HERZFELD: 5 Q Okay. And so was your understanding 6 that the program, whatever it is that existed, if 7 any, needed to be revamped, and that's why you had 8 this Prescription Drug Abuse Plan in 2016? 9 MR. DAVIS: Objection to form. 10 THE WITNESS: That is not my 11 recollection. 12 BY MS. HERZFELD: 13 Q Okay. So what is your understanding as 14 to why this Prescription Drug Abuse Plan that 15 you're referring here in your April 4th, 2016 16 e-mail was necessary? 17 MR. DAVIS: Objection to form. 18 THE WITNESS: We had ongoing 19 prescription efforts to mitigate the abuse and 20 misuse of opioids from the time I joined Endo. I 21 would characterize this effort in 2016 as a 22 continuation of -- of those ongoing efforts that 23 the company had undertaken since my first day I 24 became aware of them as an employee.
1 A So you should ask her about that 2 program. I'm not familiar with the details of 3 that program. 4 Q Do you know when that program was in 5 place? 6 A No. 7 Q Do you know if it was in place at the 8 time that you developed this Prescription Drug 9 Abuse Plan that's referenced in this e-mail? 10 MR. DAVIS: Objection to form. 11 THE WITNESS: I believe that a form of 12 the plan was in place, but I don't want to speak 13 to the details because I'm just not aware of the 14 details of the plan. 15 BY MS. HERZFELD: 16 Q Okay. Are you aware -- 17 A The effort. 18 Q Are you aware of Endo creating a program 19 to identify signs of abuse and diversion through 20 its sales representatives as part of the 21 settlement agreement with the New York Attorney 22 General in March of 2016? 23 MR. DAVIS: Objection to form. 24 THE WITNESS: I am aware of -- of that	1 So I wouldn't characterize this Rx drug 2 abuse plan as anything else other than our 3 continued efforts to mitigate the abuse and misuse 4 of opioid products. 5 BY MS. HERZFELD: 6 Q Okay. And were those efforts successful 7 in Tennessee? 8 MR. DAVIS: Objection to form. 9 BY MS. HERZFELD: 10 Q To mitigate the abuse and misuse of 11 Opana -- 12 MR. DAVIS: Objection to form. 13 BY MS. HERZFELD: 14 Q -- in Tennessee? 15 A I don't know. 16 Q Okay. You can set that aside for me, 17 please. 18 Are you familiar at all with Purdue's 19 abuse, detection and deterrent plan? 20 MR. NOVY: Objection to form. 21 MR. DAVIS: Objection to form. 22 THE WITNESS: No. 23 BY MS. HERZFELD: 24 Q Okay. Have you ever discussed with

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<p>1 Mr. Rosen Purdue's efforts to curb the opioid 2 abuse problem?</p> <p>3 MR. NOVY: Form and foundation.</p> <p>4 THE WITNESS: Not that I recall.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Okay. And before that e-mail we were 7 just looking at, the April 2016 e-mail with the 8 drug abuse -- Prescription Drug Abuse Plan, before 9 that time were you involved at all in creating 10 abuse prevention plans for Endo?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't recall if I was -- 13 I don't recall whether I was involved or not. I 14 certainly undertook efforts in government affairs 15 to launch initiatives aimed at mitigating the 16 abuse and misuse of opioids, including making 17 donations to the National Association of Drug 18 Diversion Investigators and other organizations 19 that would hopefully do something to mitigate the 20 abuse and misuse of opioids.</p> <p>21 MS. HERZFELD: Okay. And I'm going to 22 move to strike everything after "I don't recall 23 whether I was involved or not."</p> <p>24 BY MS. HERZFELD:</p>	<p>1 MS. HERZFELD: 2014, Exhibit 45.</p> <p>2 MR. DAVIS: Is that -- that looks like a 3 43. I --</p> <p>4 MS. HERZFELD: Let me -- oops, that's 5 45.</p> <p>6 MR. DAVIS: Is this -- this is the one 7 you want (indicating), right?</p> <p>8 MS. HERZFELD: Yes.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Okay. So if you could take a look for 11 me at Exhibit 45 again, sir. So when we discussed 12 that exhibit, that was when there was at least a 13 discussion of halting distribution of Opana to 14 Tennessee, as you testified earlier, correct?</p> <p>15 A I remember that the company did have 16 discussions about that, yes.</p> <p>17 Q Okay. And in fact, Endo did not halt 18 distribution of Opana to Tennessee after that time 19 to your knowledge; is that right?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: To my knowledge, that's 22 correct.</p> <p>23 BY MS. HERZFELD:</p> <p>24 Q Okay. Do you know how many babies were</p>
<p style="text-align: center;">Page 355</p> <p>1 Q Sir, do you know what neonatal 2 abstinence syndrome is?</p> <p>3 A No.</p> <p>4 Q Have you ever heard of the term 5 "neonatal abstinence syndrome"?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I don't recall hearing 8 that term before.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Okay. Have you heard about babies being 11 born dependent on opioids?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: I -- I don't recall 14 knowing about that.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Sir, do you know that I represent the 17 babies of Tennessee that have been born dependent 18 on opioids?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: I did not know that.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q If we could go back to Exhibit, I 23 think, 45. Is that the 2014 e-mail?</p> <p>24 MR. DAVIS: Which one?</p>	<p style="text-align: center;">Page 357</p> <p>1 born dependent on opioids in Tennessee in 2015, 2 the year after Endo discussed halting the sales of 3 Opana to Tennessee?</p> <p>4 MR. DAVIS: Objection to form.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Has anybody ever told you that it's 8 1,049 babies were born dependent on opioids in 9 Tennessee the following year?</p> <p>10 MR. DAVIS: Objection to form and 11 foundation.</p> <p>12 THE WITNESS: No, no one has told me 13 that.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. Has anyone told you that in 2016, 16 when Endo did not stop the distribution of Opana 17 to Tennessee, an additional 1,071 babies were born 18 dependent on opioids in Tennessee?</p> <p>19 MR. DAVIS: Objection to form, 20 foundation.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. So in 2015, 2016 and 2017 -- 24 actually, strike that.</p>

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<p>1 So Opana was removed from the market in 2 2017; is that correct?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: Could you repeat the 5 question, please?</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Yes. Opana -- reformulated Opana ER was 8 removed from the market in 2017; is that correct?</p> <p>9 A I -- I don't know the exact date.</p> <p>10 Q Okay. But it was removed from the 11 market, yes?</p> <p>12 MR. DAVIS: Objection to form.</p> <p>13 THE WITNESS: It was removed from the 14 market.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Okay. And it wasn't removed from the 17 market last month, right?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: It was not removed from 20 the market last month. It was removed while I was 21 an employee at Endo.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. And you left your employment with 24 Endo when?</p>	<p>1 MR. DAVIS: Objection to form and 2 foundation.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q Have you heard that?</p> <p>5 A Well, I disagree with your 6 characterization as consider. I know that there 7 were discussions, but as I previously indicated, I 8 do disagree with your characterization.</p> <p>9 Q That it was considered because it was 10 only discussed.</p> <p>11 A Correct.</p> <p>12 Q Okay. And what is it that you see is 13 the difference between "considered" and 14 "discussed"?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I think it's the -- the 17 Webster's dictionary for those two words, and --</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Okay.</p> <p>20 A -- would use that as a reference 21 document.</p> <p>22 Q Great.</p> <p>23 Okay. And when dealing with opioid 24 products, you would agree that Endo should balance</p>
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<p>1 A In March of 2018.</p> <p>2 Q Okay. So are you aware of how many 3 babies were born dependent on opioids in the state 4 of Tennessee while Endo chose not to remove Opana 5 from the market after considering it --</p> <p>6 MR. DAVIS: Objection --</p> <p>7 BY MS. HERZFELD:</p> <p>8 Q -- in Tennessee?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I -- I do not know.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Okay. If I told you it was 3,210 babies 13 that were born dependent on opioids during that 14 three-year period, is that a number you've heard 15 before?</p> <p>16 MR. DAVIS: Objection to form, 17 foundation.</p> <p>18 THE WITNESS: It's not a number I've 19 heard before.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. What about 4,340 people who have 22 died of opioid overdose deaths in Tennessee from 23 the time that, according to that e-mail, Endo 24 first considered not shipping Opana to Tennessee?</p>	<p>1 the benefits and the risks in the use of opioids; 2 is that correct?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 Foundation.</p> <p>5 THE WITNESS: When -- when I was an 6 employee at Endo, we sought to protect a 7 physician's ability to write prescriptions for 8 patients who needed them, and also undertake 9 efforts to mitigate the misuse and abuse of our 10 products.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Okay.</p> <p>13 A So those were dual goals that we had.</p> <p>14 Q Okay. So I'm going to back up.</p> <p>15 You'd agree with me that while you 16 believe there are benefits of opioids, there are 17 also risks to opioid use; is that correct?</p> <p>18 A As I've stated throughout the -- the 19 course of my testimony today, there are -- I 20 understand that there are risks associated with 21 the misuse and abuse of all opioids.</p> <p>22 Q Okay. And so when you talked earlier 23 about identifying the benefit of opioids to 24 society, do you also think that it's important to</p>

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<p>1 identify the risks of opioids to society?</p> <p>2 MR. DAVIS: Objection to form.</p> <p>3 Mischaracterizes testimony.</p> <p>4 THE WITNESS: Yeah, I mean, I -- I don't</p> <p>5 think I can be more clear on this point.</p> <p>6 We believed in the appropriate use of</p> <p>7 our products to treat serious pain conditions,</p> <p>8 including conditions of terminal illness, end of</p> <p>9 life, cancer, and the -- and the chronically ill.</p> <p>10 We also believed in undertaking efforts to</p> <p>11 mitigate the misuse and abuse of our product.</p> <p>12 So instead of agreeing or disagreeing</p> <p>13 with your statement, I'm choosing to put this in</p> <p>14 my own words and tell you exactly how I understood</p> <p>15 the company's mission while I was an employee at</p> <p>16 Endo.</p> <p>17 MS. HERZFELD: Okay. So I'm going to</p> <p>18 move to strike that answer as nonresponsive.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q My question is, I think you had talked</p> <p>21 before about the importance of identifying the</p> <p>22 benefit to society, the benefit to public health</p> <p>23 and the benefit to the patient.</p> <p>24 Am I paraphrasing your -- your previous</p>	<p>1 the risks of products -- my role at Endo were to</p> <p>2 identify public policy issues where there was a</p> <p>3 benefit to society, public health, a benefit to</p> <p>4 the patient, and a benefit to Endo, and where</p> <p>5 that intersection took place is where I spent my</p> <p>6 time.</p> <p>7 Q Okay. So identifying the risks of</p> <p>8 opioids was not within your role at Endo.</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 BY MS. HERZFELD:</p> <p>11 Q Did I understand your testimony</p> <p>12 correctly?</p> <p>13 A I don't agree with that</p> <p>14 characterization. I am stating very clearly what</p> <p>15 my role at Endo was. I don't want to state what</p> <p>16 it wasn't. Because I know what it was. It wasn't</p> <p>17 a lot of things.</p> <p>18 Q Okay. So whose job was it to identify</p> <p>19 the risks to society, the risks to public health</p> <p>20 and the risks to the patient to -- whose role was</p> <p>21 it to identify and communicate that information to</p> <p>22 lawmakers?</p> <p>23 MR. DAVIS: Objection to form.</p> <p>24 Foundation.</p>
<p>1 testimony correctly?</p> <p>2 MR. DAVIS: Objection to form. It's out</p> <p>3 of -- out of context, that characterization.</p> <p>4 THE WITNESS: It is out of context.</p> <p>5 When I referred to benefits to society,</p> <p>6 benefits to public health, and benefits to the</p> <p>7 patient, I -- I was referring to our public policy</p> <p>8 initiatives on Capitol Hill, and where those three</p> <p>9 principles intersected with benefits to Endo, we</p> <p>10 would undertake a project.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Okay. And so when you were dealing with</p> <p>13 those public policy initiatives on Capitol Hill,</p> <p>14 did you also think that it was important to</p> <p>15 identify the potential risks of Endo's opioid</p> <p>16 products?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: My job, and I can only</p> <p>19 speak to my role --</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Sure.</p> <p>22 A -- and I can't -- I can't speak to</p> <p>23 the -- the many roles at Endo where people might</p> <p>24 have been involved in the business of identifying</p>	<p>1 THE WITNESS: Yeah, I don't understand</p> <p>2 the question.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q Okay. During your tenure at Endo when</p> <p>5 you were lobbying various lawmakers, did you ever</p> <p>6 discuss with them the risks to society, the risks</p> <p>7 to public health or the risks to patients of Endo</p> <p>8 products?</p> <p>9 A We had conversations that acknowledged</p> <p>10 the risks of all opioids for misuse and abuse. So</p> <p>11 I would say the answer to that question is yes.</p> <p>12 Q Okay. Thank you.</p> <p>13 And did Endo create any documents that</p> <p>14 you saw that identified the risks to society, the</p> <p>15 risks to public health or the risks to the</p> <p>16 patients of Endo's opioid products?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I -- I don't recall such</p> <p>19 documents.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. I'm going to hand you what we're</p> <p>22 going to mark as Munroe Exhibit 47.</p> <p>23 (Munroe Exhibit No. 47 was marked</p> <p>24 for identification.)</p>

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<p>1 MS. HERZFELD: Could the witness see 2 that exhibit?</p> <p>3 MR. DAVIS: I'm going to claw this 4 document back as protected attorney work product 5 given the involvement of legal counsel in 6 preparation for the Opana ER AdCom.</p> <p>7 MS. HERZFELD: Who is the legal counsel 8 on the e-mail?</p> <p>9 MR. DAVIS: There's no legal counsel on 10 the -- the e-mail.</p> <p>11 MS. HERZFELD: So you're clawing it back 12 and there's no legal counsel?</p> <p>13 MR. DAVIS: I'm not going to debate the 14 work-product doctrine with you right now, but 15 we're clawing it back.</p> <p>16 MS. HERZFELD: Okay. Well, I'm 17 reserving my right to ask questions about this 18 document because I don't understand how it is that 19 you're declaring it work product if there's no 20 attorney on this e-mail.</p> <p>21 MR. DAVIS: Again, I'm not going to 22 explain the work-product doctrine to you right 23 now, but we're clawing it back.</p> <p>24 MS. HERZFELD: Pardon me?</p>	<p>1 MR. DAVIS: Objection to form. 2 THE WITNESS: I -- I don't recall.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q Do you -- were you involved at all in 5 trying to figure out why it is that Tennessee had 6 such an abuse problem with Opana?</p> <p>7 MR. DAVIS: Objection to form, 8 foundation.</p> <p>9 THE WITNESS: I was not involved. That 10 would have been our pharmacovigilance and our 11 medical affairs department. The principal 12 individual at Endo would have been Dr. Neil 13 Shusterman, and he would have information about 14 that.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Okay. Do you recall ever encouraging 17 your colleagues to make the Opana abuse problem an 18 issue about Tennessee and not about Opana?</p> <p>19 MR. DAVIS: Objection to form, 20 foundation.</p> <p>21 THE WITNESS: I -- I just don't recall.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. Is there something specific about 24 Tennessee that you think made it more ripe for</p>
<p style="text-align: center;">Page 367</p> <p>1 MR. DAVIS: I said I'm not going to 2 explain the work-product doctrine to you right 3 now, but we're clawing the document back.</p> <p>4 MS. HERZFELD: Pardon me. Okay. 5 Well, we're going to object to that, and 6 specifically reserve the ability to question on 7 that, we -- question on this specific issue. This 8 e-mail very clearly has to do with Tennessee. 9 There's no attorney on it. You haven't indicated 10 that it was done at the direction of an attorney. 11 So I don't understand exactly what the 12 work-product privilege claimed here is, but we're 13 specifically reserving our right to -- to question 14 about this.</p> <p>15 MR. DAVIS: Again, I'm not going to 16 discuss the work-product doctrine with you on the 17 record right now. We're clawing it back.</p> <p>18 MS. HERZFELD: Okay, we'll talk about it 19 during the break. Okay?</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Do you recall ever talking about the 22 opioid problem in Tennessee and discussing it as 23 it's a story about Tennessee, not a story about 24 Opana?</p>	<p style="text-align: center;">Page 369</p> <p>1 abuse of Opana?</p> <p>2 MR. DAVIS: Objection to form and 3 foundation.</p> <p>4 THE WITNESS: I'm not an expert on drug 5 abuse, so I can't tell you why what was happening 6 in Tennessee was happening.</p> <p>7 BY MS. HERZFELD:</p> <p>8 Q Did you ever hear any theories floated 9 as to why Tennessee seemed to have such an 10 Opana --</p> <p>11 A There were --</p> <p>12 Q -- injection problem?</p> <p>13 MR. DAVIS: Let her finish the question.</p> <p>14 THE WITNESS: Well -- yeah. I'm sorry. 15 Could you repeat the question, please?</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Sure. Did you ever have any theories 18 floated as to why Tennessee had such an Opana 19 injection problem?</p> <p>20 MR. DAVIS: Objection to form, 21 foundation.</p> <p>22 THE WITNESS: Well, there were 23 discussions certainly at the company that I was 24 involved with about the abuse of Opana ER in</p>

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<p>1 Tennessee. So those discussions did happen, and I 2 was in the room for some of them. But I can't for 3 the world recall what those discussions were in 4 any substantive way.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Okay. And so you don't know that 7 anybody hypothesized why Tennessee had such a 8 problem with Opana?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I can't recall.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Have you heard during your time at Endo 13 that higher prescription rates per capita can 14 correlate to higher abuse rates of opioids?</p> <p>15 MR. DAVIS: Objection to form, foundation.</p> <p>16 THE WITNESS: I -- I'm not an expert on 17 drug abuse rates or -- or that kind of 18 information, so that's not something that comes to 19 mind.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q I understand you're not an expert, but 22 you were present when your subject matter experts 23 would have conversations with various elected</p>	<p>1 writes about Endo being asked, "Why now?" 2 Do you see that?</p> <p>3 A Yes. I -- I want to familiarize myself 4 with this e-mail, so I'm going to take a moment to 5 read it.</p> <p>6 Q Sure, sir.</p> <p>7 A (Peruses document.)</p> <p>8 MR. DAVIS: I claw this one back too.</p> <p>9 Same principle. This is covered by the 10 work-product doctrine. It's work performed at the 11 direction of legal counsel. Specifically Jenn 12 Dubas is referenced in the e-mail chain and copied 13 in the earlier chain.</p> <p>14 MS. HERZFELD: Okay. We're going to 15 object to you clawing this back, and reserve our 16 right to question on this document.</p> <p>17 MR. DAVIS: Would -- would you just hang 18 on to them. I don't want them on the record.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q Do you know when Endo first observed a 21 problem with injection of Opana in Tennessee?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: I don't.</p> <p>24 BY MS. HERZFELD:</p>
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<p>1 officials or government officials or others.</p> <p>2 So have you ever heard that a higher 3 prescription per capita rate of opioids can be 4 linked to a higher abuse rate?</p> <p>5 A I don't recall such conversations.</p> <p>6 Q Okay. Or hearing that information?</p> <p>7 A I don't recall hearing that information.</p> <p>8 Q Okay. Okay. I'm going to hand you what 9 we'll mark as Munroe Exhibit 48.</p> <p>10 (Munroe Exhibit No. 48 was marked 11 for identification.)</p> <p>12 BY MS. HERZFELD:</p> <p>13 Q Okay. What I've handed you we've marked 14 as Exhibit 48 is ENDO-OPIOID_MDL-02805111 through 15 113.</p> <p>16 Sir, do you recognize this as an e-mail 17 from you to Matthew Davis?</p> <p>18 A I do.</p> <p>19 Q And who is Matthew Davis?</p> <p>20 A He was the head of R&D.</p> <p>21 Q Okay. And this e-mail is dated 22 February 23rd, 2017; is that correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. And in this e-mail Matthew Davis</p>	<p>1 Q When were you first aware of it?</p> <p>2 A I don't know.</p> <p>3 Q Okay. I'm going to hand you what we're 4 going to mark as Munroe Exhibit 49. We can see if 5 this one does not get clawed back.</p> <p>6 (Munroe Exhibit No. 49 was marked 7 for identification.)</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q For the record, it's ENDO-OPIOID_MDL- 10 04060965 through 68.</p> <p>11 A (Peruses document.)</p> <p>12 Q Sir, do you recognize this as an e-mail 13 sent from you to Stephen Mock on February 22nd, 14 2017?</p> <p>15 MR. DAVIS: Hang on, Brian.</p> <p>16 (Counsel conferring.)</p> <p>17 MR. DAVIS: Can we go off the record for 18 a second, please?</p> <p>19 THE VIDEOGRAPHER: Is that okay, 20 Counsel?</p> <p>21 The time is 7:37 p.m. We're going off 22 the record.</p> <p>23 (Pause in the proceedings.)</p> <p>24 THE VIDEOGRAPHER: The time is 7:41 p.m.</p>

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<p>1 We're back on the record.</p> <p>2 BY MS. HERZFELD:</p> <p>3 Q Okay. I just handed you a document</p> <p>4 which your counsel has just removed from you.</p> <p>5 MR. DAVIS: Yeah, well, again, similar</p> <p>6 to the last two documents we've clawed back, these</p> <p>7 are documents that were prepared at the direction</p> <p>8 of counsel in preparation for the Opana ER AdComs.</p> <p>9 So we're calling them back as protected by the</p> <p>10 work-product doctrine.</p> <p>11 MS. HERZFELD: Okay. And is there an</p> <p>12 attorney identified anywhere in this e-mail?</p> <p>13 MR. DAVIS: Again, I'm not going to</p> <p>14 debate the work-product doctrine with you. I</p> <p>15 think you, like everyone in the room, understands</p> <p>16 that an attorney not need be present on a</p> <p>17 communication for the document to be protected by</p> <p>18 the work-product doctrine.</p> <p>19 MS. HERZFELD: I understand that, but my</p> <p>20 question is, is there anybody on this e-mail</p> <p>21 that's an attorney? I don't -- I'm just asking</p> <p>22 that. Do you know?</p> <p>23 MR. DAVIS: Can I see the e-mail?</p> <p>24 Do you have Exhibit 49?</p>	<p>1 Q Okay. And were you involved at all in</p> <p>2 that discussion?</p> <p>3 A Yes.</p> <p>4 Q Okay. And what was your opinion in that</p> <p>5 discussion?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I really didn't have an</p> <p>8 opinion. I -- I was -- I was learning about these</p> <p>9 issues and wasn't familiar then or now with</p> <p>10 addiction treatment.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q And do you know if addiction treatment</p> <p>13 services were ever funded by Endo in the state of</p> <p>14 Tennessee?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I am unaware.</p> <p>17 BY MS. HERZFELD:</p> <p>18 Q And when you were involved in those</p> <p>19 discussions about addiction treatment services</p> <p>20 being provided by Endo, do you recall saying that</p> <p>21 if you provided addiction services treatments</p> <p>22 to -- to people who needed them for opioid abuse</p> <p>23 issues, that that could be deemed an admission of</p> <p>24 guilt by Endo of some wrongdoing?</p>
<p style="text-align: center;">Page 375</p> <p>1 Is it 49 we're talking about now? Do I</p> <p>2 have the right one in front of me?</p> <p>3 MS. HERZFELD: 49.</p> <p>4 You can follow up in a communication</p> <p>5 after the deposition to let me know if there's an</p> <p>6 attorney copied on this e-mail or any of the</p> <p>7 others you've clawed back.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q Okay. I'm going to preserve our right</p> <p>10 to question you on that e-mail as well, which has</p> <p>11 been marked as Exhibit 49, subject to where we end</p> <p>12 up on this work-product argument.</p> <p>13 Sir, there was a time that Endo</p> <p>14 discussed paying for addiction treatment services;</p> <p>15 is that correct?</p> <p>16 MR. DAVIS: Objection to form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Okay. And the decision was ultimately</p> <p>20 made that Endo should not pay for opioid addiction</p> <p>21 treatment services; is that right?</p> <p>22 MR. DAVIS: Objection to form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MS. HERZFELD:</p>	<p style="text-align: center;">Page 377</p> <p>1 MR. DAVIS: Objection to form,</p> <p>2 foundation.</p> <p>3 THE WITNESS: I don't recall any</p> <p>4 conversations involving that.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Okay. What about an e-mail?</p> <p>7 A I don't recall any e-mail in that</p> <p>8 regard.</p> <p>9 Q Okay. Do you think if Endo had provided</p> <p>10 addiction treatment services for people addicted</p> <p>11 to opioids that that would've reflected poorly on</p> <p>12 Endo?</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: I -- it was not my job at</p> <p>15 Endo to determine what would reflect poorly on</p> <p>16 Endo or what would reflect well on Endo. I might</p> <p>17 have had views while I was an employee. I might</p> <p>18 have even shared those views. But I can't tell</p> <p>19 you what they were.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q You don't remember?</p> <p>22 A I don't recall the specifics of why we</p> <p>23 made a decision not to fund addiction treatment</p> <p>24 services.</p>

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<p>1 Q Do you recall generally?</p> <p>2 A I think generally, we thought we had</p> <p>3 better ideas, and the company had a -- had a</p> <p>4 history of undertaking initiatives to mitigate the</p> <p>5 misuse and abuse of its products.</p> <p>6 The conversations that I -- the ongoing</p> <p>7 conversations I had throughout my tenure as an</p> <p>8 employee, I recall that there were many</p> <p>9 conversations and many ideas that came forward,</p> <p>10 and in a general way, a decision not to proceed</p> <p>11 down one path was arrived at by finding a better</p> <p>12 path.</p> <p>13 Q Okay. But ultimately, none of those</p> <p>14 undertakings or initiatives that were discussed by</p> <p>15 Endo ended up curbing the opioid abuse rates in</p> <p>16 Tennessee; is that right?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I -- I'm not aware of the</p> <p>19 opioid abuse rates in Tennessee.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. Did you hear of the opioid</p> <p>22 injection -- Opana injection -- strike that.</p> <p>23 Did you ever hear that the Opana</p> <p>24 injection issue in Tennessee ever got solved?</p>	<p>1 office do anything to follow up on that</p> <p>2 non-benefit of an Endo opioid product?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I -- I don't want to</p> <p>5 characterize all of the work that I didn't do. I</p> <p>6 feel more comfortable characterizing the work that</p> <p>7 I did do. And that work was at the intersection</p> <p>8 of public policy issues that had a benefit to</p> <p>9 society, public health, or the patient, which also</p> <p>10 had a benefit to Endo.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q And did those intersection of public</p> <p>13 policy issues when you're talking about the</p> <p>14 benefit to society, public health or the patient,</p> <p>15 the people that were abusing Opana by injecting it</p> <p>16 into their veins and then overdosing, did -- was</p> <p>17 that something you would consider a benefit of</p> <p>18 Opana?</p> <p>19 A Well, I would say --</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: -- this: That there</p> <p>22 certainly was not a benefit to Endo, and that we</p> <p>23 were very concerned about mitigating the abuse and</p> <p>24 misuse of opioids throughout the United States,</p>
<p style="text-align: center;">Page 379</p> <p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I -- I did not hear what</p> <p>3 the situation was after I left as an employee.</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q What about when you were a consultant?</p> <p>6 A No, I -- I never -- I never really -- by</p> <p>7 that time the company had -- had stopped marketing</p> <p>8 its opioid products, and they weren't much of a</p> <p>9 government relations priority.</p> <p>10 Q Okay. And you didn't do any follow-up</p> <p>11 to see how the folks in Tennessee were doing once</p> <p>12 Opana was pulled from the market.</p> <p>13 MR. DAVIS: Objection to form.</p> <p>14 THE WITNESS: It wasn't -- my job at --</p> <p>15 at Endo as head of government affairs was to</p> <p>16 communicate the company's positions to elected and</p> <p>17 appointed officials on those issues that we</p> <p>18 identified were -- had a benefit to society,</p> <p>19 public health, or benefit to patients, and also a</p> <p>20 benefit to Endo. So that's where I spent my time.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q And when they didn't have benefits, like</p> <p>23 people injecting Endo's drug Opana into their</p> <p>24 veins and then overdosing in Tennessee, did your</p>	<p style="text-align: center;">Page 381</p> <p>1 including Tennessee.</p> <p>2 (Munroe Exhibit No. 50 was marked</p> <p>3 for identification.)</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q Great. I'm going to hand you what we've</p> <p>6 marked as Munroe Exhibit 50.</p> <p>7 Take a look at that, please.</p> <p>8 A (Peruses document.)</p> <p>9 MR. DAVIS: Claw this back. These are</p> <p>10 draft slides prepared for the Opana ER AdCom that</p> <p>11 were prepared at the direction and with the -- the</p> <p>12 guidance of legal counsel at the company.</p> <p>13 MS. HERZFELD: Okay. We're going to</p> <p>14 object to your clawback on this document. So</p> <p>15 you're aware, it was not clawed back in a previous</p> <p>16 deposition. Okay?</p> <p>17 I'm reserving my right to ask a</p> <p>18 multitude of questions about this document.</p> <p>19 BY MS. HERZFELD:</p> <p>20 Q Sir, do you ever recall saying that the</p> <p>21 opioid abuse problem was a perception and not a</p> <p>22 reality?</p> <p>23 MR. DAVIS: If you're going to ask him</p> <p>24 questions that are based upon the substance of a</p>

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<p>1 document that we've just clawed back, I'm going to 2 ask -- instruct Mr. Munroe not to answer.</p> <p>3 MS. HERZFELD: I'm just asking if he 4 recalls saying it.</p> <p>5 THE WITNESS: On the advice --</p> <p>6 MR. DAVIS: Do you recall saying --</p> <p>7 THE WITNESS: On the advice of counsel, 8 I'm choosing not to answer that question.</p> <p>9 BY MS. HERZFELD:</p> <p>10 Q Okay. Do you believe that there is an 11 opioid drug abuse problem in this country?</p> <p>12 A I do.</p> <p>13 Q Okay. And do you believe that that's a 14 legitimate problem?</p> <p>15 A What do you mean by "legitimate"?</p> <p>16 Q Do you believe it's a problem that's 17 created by the media or do you believe that there 18 is actually a drug abuse problem?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: I think -- I was aware 21 during my entire employment at Endo, and I am 22 aware today, of the risk from misuse and abuse of 23 all opioids.</p> <p>24 BY MS. HERZFELD:</p>	<p>1 Q I hope you enjoyed Dollywood. 2 A Yes. Thank you.</p> <p>3 Q Are you aware that that region of 4 Tennessee has been particularly hard hit by the 5 opioid abuse epidemic?</p> <p>6 MR. DAVIS: Objection to form.</p> <p>7 THE WITNESS: I -- I am aware that -- 8 that Appalachia has been hit and that -- I'm not a 9 geography expert, but that that part of Tennessee 10 is -- is known to be part of Appalachia.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Okay. And other than that trip with 13 your family to Pigeon Forge, have you been to 14 Tennessee for any other reason professionally?</p> <p>15 A I might have been to Tennessee to the 16 state capital early in my career, because I did a 17 lot of work in state government affairs, but it 18 would have been so long ago that I don't recall 19 the details.</p> <p>20 Q Okay. And have you been to any other 21 city in Tennessee other than Nashville or --</p> <p>22 A Not that I recall.</p> <p>23 Q Have you ever spoken with any law 24 enforcement in Tennessee?</p>
Page 383	Page 385
<p>1 Q Have you ever known anyone that's been 2 addicted to opioids, sir?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I don't recall that I do.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Have you ever met someone who has abused 7 opioids?</p> <p>8 MR. DAVIS: Objection to form.</p> <p>9 THE WITNESS: I don't recall that I 10 do -- that I have.</p> <p>11 BY MS. HERZFELD:</p> <p>12 Q Okay. Do you -- have you ever visited 13 with someone who considers themselves to be in 14 recovery from an abuse to opioids?</p> <p>15 MR. DAVIS: Objection to form.</p> <p>16 THE WITNESS: I don't recall that I 17 have.</p> <p>18 BY MS. HERZFELD:</p> <p>19 Q Have you ever been to Tennessee, sir?</p> <p>20 A Yes, I have.</p> <p>21 Q Okay. Where have you been?</p> <p>22 A Recently with my family, we went to 23 Pigeon Forge, Tennessee, to the Great Smoky 24 Mountain National Park and Dollywood.</p>	<p>1 A Not that I recall.</p> <p>2 Q Okay. I'm going to hand you what we're 3 marking as Munroe Exhibit 51. (Munroe Exhibit No. 51 was marked 5 for identification.)</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Sir, do you recognize this as an e-mail 8 with an attached PowerPoint that was sent from 9 your e-mail account on May 30th, 2012, to the 10 people listed in the "to" line?</p> <p>11 A Yes, I do.</p> <p>12 Q Okay. And the attachment is 13 "Prescription Drug Abuse Deck, 6/5/2012"; is that 14 right?</p> <p>15 A You -- you read that correctly.</p> <p>16 Q Okay. And did you create this document?</p> <p>17 MR. DAVIS: Objection to form.</p> <p>18 THE WITNESS: I don't recall. I don't 19 recall this document. It was seven years ago?</p> <p>20 Yeah. I don't recall this document.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q Okay. If you will look with me on that 23 first page, the orange one. Do you see it?</p> <p>24 A This one (indicating)?</p>

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1 Q Yes, sir.	1 to the slides because I don't have any
2 A Yeah.	2 recollection of this slide deck from seven years
3 Q It says: "Prescription drug abuse,	3 ago in which I may have had a role in -- in
4 legislative and regulatory issues." Do you see	4 developing or not. I -- I have no recollection,
5 where I'm at?	5 although the cover e-mail says, "Thanks, Team."
6 A I do see that.	6 So it could have been outside consultants. It
7 Q And then it says: "Brian Munroe,	7 could have been members of my staff.
8 June 5th, 2012"; is that right?	8 I will say that in my role as head of
9 A Yes.	9 government affairs, where I was directly involved,
10 Q Okay. So did you give a presentation	10 it mattered hugely what the government was saying.
11 with this slide deck?	11 So that's something that would have -- that --
12 A I don't recall if I did or not. I --	12 that strikes a chord with me. While I don't
13 I'm looking at the cover e-mail. It says:	13 remember the specifics of the document, it strikes
14 "Thanks, Team, for helping put this together." So	14 a chord that I would be interested in what the
15 a number of people would have had input on putting	15 government's position was on all public policy
16 it together, and --	16 issues.
17 Q It's your name on the front; is that	17 BY MS. HERZFELD:
18 right, sir?	18 Q Okay. And if you could turn with me to
19 A It is.	19 slide 5.
20 Q Okay. And so looking for me on page 2	20 Slide 5 says "Perception is Reality,"
21 of this, the title is "Is Prescription Drug Abuse	21 quote from Lee Atwater there.
22 Really a Problem?"	22 Do you know why this quote was selected
23 Do you see the question there?	23 for this slide?
24 A You did read that correctly.	24 A I don't.
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1 Q Okay. And then the answer, it says,	1 Q Do you know what was meant by it?
2 "A," could you read that for me, please.	2 A I have no recollection of this slide
3 A It says: "It is for Endo. Did you see	3 whatsoever.
4 the letter from Senators Baucus and Grassley?"	4 Q Okay. And then the next line is:
5 Q Okay. And then on slide 3. So page 3	5 "There is no reality, only perception." That's a
6 of the slide, it's double-sided there for you.	6 quote from Dr. Phil. Do you see that?
7 The question is, "Why?" And then the	7 A I do.
8 answer, if you could read that for me, please.	8 Q Okay. Did you select that quote?
9 A "Because the media and the government	9 A I have no recollection of this slide
10 say so frequently."	10 whatsoever.
11 Q Okay. So here, are you contending that	11 Q Was it Endo's position in 2012 that
12 the prescription drug abuse in this country in	12 prescription drug abuse was not in fact a reality?
13 2012 was only a problem because the media and the	13 MR. DAVIS: Objection to form.
14 government said it was?	14 THE WITNESS: It was our -- it was --
15 A I have testified that the opioid abuse	15 it's my understanding of the company's position on
16 issue in America is a real problem.	16 all these issues related to prescription drug
17 Q I understand that, sir. But my question	17 abuse, from the moment I became an employee at
18 is, why in this slide we're talking about whether	18 Endo, that we were aware of the risk of misuse and
19 drug abuse really is a problem, and because the	19 abuse of all opioids and -- and came to understand
20 media and government say so. I'm trying to	20 that there was in fact a serious prescription drug
21 understand the purpose of these slides.	21 abuse problem in America.
22 A Well --	22 BY MS. HERZFELD:
23 MR. DAVIS: Objection to form.	23 Q Okay. If you could switch with me to
24 THE WITNESS: -- I can't speak directly	24 slide 12, please.

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<p>1 Slide 12 says: "Big Problem = Effective</p> <p>2 Solutions Take Time and Policymakers Don't Have</p> <p>3 Time."</p> <p>4 Did I read that correctly?</p> <p>5 A Yes.</p> <p>6 Q Okay. Did you author this slide?</p> <p>7 A I have no recollection of this slide</p> <p>8 whatsoever.</p> <p>9 Q Do you know what was meant by this</p> <p>10 slide?</p> <p>11 A I -- I don't want to speculate about</p> <p>12 what it might mean because I just have no</p> <p>13 recollection of seeing this -- this draft.</p> <p>14 Q Okay. If you'll switch with me to</p> <p>15 slide 13.</p> <p>16 And then slide 13, what is the title</p> <p>17 there?</p> <p>18 A "Threats to good public policy."</p> <p>19 Q Okay. And it identifies two threats on</p> <p>20 this slide; is that right?</p> <p>21 A I'm not sure whether it's two or three.</p> <p>22 There's kind of three little sections here, and I</p> <p>23 have no recollection of this slide whatsoever.</p> <p>24 Q Okay. So could you read to me the first</p>	<p>1 MR. DAVIS: Objection to form.</p> <p>2 THE WITNESS: I -- I don't recall the</p> <p>3 date and whether it was from my time at the</p> <p>4 beginning of Endo or when I came to that</p> <p>5 realization.</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Okay. And do you recall why you came to</p> <p>8 that realization?</p> <p>9 A I don't recall.</p> <p>10 Q Do you recall if there was specific</p> <p>11 facts or a specific event that kind of clued you</p> <p>12 in to the fact that there was an opioid abuse</p> <p>13 problem in this country?</p> <p>14 A Well, I know that my meetings at the</p> <p>15 Pain Care Forum were a great educational avenue</p> <p>16 for me because the Pain Care Forum had drug abuse</p> <p>17 experts, addiction experts, people that would</p> <p>18 provide information about prescription drug abuse.</p> <p>19 And so that would have been one source of -- of</p> <p>20 the information beyond, you know, just reading in</p> <p>21 the press about the -- the genuine issue our</p> <p>22 company -- our country faced.</p> <p>23 Q Okay. Let's go back to the "Threats to</p> <p>24 good public policy." The second one says, quote,</p>
<p>1 one, please.</p> <p>2 A "Bipartisan alarm about perceived</p> <p>3 crisis."</p> <p>4 Q And "crisis" is in quotes, right?</p> <p>5 A Yes.</p> <p>6 Q Okay. And do you know why this language</p> <p>7 was included?</p> <p>8 A No.</p> <p>9 Q Okay. And Endo -- did Endo not believe</p> <p>10 that there was an opioid crisis in 2012?</p> <p>11 MR. DAVIS: Objection to form.</p> <p>12 THE WITNESS: I don't want to speak to</p> <p>13 the dates. I can say that Endo and everybody that</p> <p>14 I worked with at Endo believed that there was a</p> <p>15 genuine prescription drug abuse issue in America.</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q Okay. And when did you come to that</p> <p>18 understanding?</p> <p>19 A I don't recall the date.</p> <p>20 Q Okay. And at some point in your career</p> <p>21 you didn't have that information, and then at some</p> <p>22 point you did come to that understanding that</p> <p>23 there was a real opioid crisis in America; is that</p> <p>24 right?</p>	<p>1 "Fix it now," end quote, "syndrome."</p> <p>2 Do you know what that is?</p> <p>3 A I don't know what that is.</p> <p>4 Q Do you know why it was included in this</p> <p>5 slide?</p> <p>6 A No.</p> <p>7 Q Okay. And then the last one, it</p> <p>8 concludes: "Need for a strong defense to prevent</p> <p>9 harmful policy actions."</p> <p>10 Did I read that correctly?</p> <p>11 A You did.</p> <p>12 Q Do you know what that means?</p> <p>13 A I don't know what it means.</p> <p>14 Q Do you know why it was included in this?</p> <p>15 A I don't. I -- I do know that we sought</p> <p>16 to protect physicians' ability to write</p> <p>17 prescriptions for appropriate medications for</p> <p>18 appropriate patients, and that those patient</p> <p>19 concerns and patient benefits were a big part of</p> <p>20 our public policy initiatives.</p> <p>21 Q Okay. Is Endo suggesting with this</p> <p>22 statement that it must defend itself against</p> <p>23 government action to stop the opioid crisis?</p> <p>24 MR. DAVIS: Objection to form.</p>

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<p>1 THE WITNESS: I don't think so. I think 2 what we were trying to do was identify issues that 3 had a benefit to society, public health, or the 4 patient, and work on public policy issues where 5 there was an intersection between those three 6 principles and benefits to the company.</p> <p>7 BY MS. HERZFELD:</p> <p>8 Q So while you were doing that, who was 9 working on protecting individuals who were getting 10 addicted to Endo's opioids?</p> <p>11 MR. DAVIS: Objection to form, 12 foundation.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. Do you know if Endo had 16 identified the opioid crisis as being legitimate 17 prior to 2012 when these slides were created?</p> <p>18 MR. DAVIS: Objection to form, 19 foundation.</p> <p>20 THE WITNESS: I -- I don't know the 21 dates.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q I'm going to hand you what we will mark 24 as Munroe 52.</p>	<p>1 THE WITNESS: Okay, yeah.</p> <p>2 BY MS. HERZFELD:</p> <p>3 Q Okay. And if you'll look down with me, 4 it says "External Affairs." This is the topic; is 5 that correct?</p> <p>6 A It -- it appears to be the topic.</p> <p>7 Q Okay. And going down to "State 8 Priorities," do you see where I'm at?</p> <p>9 A Yes.</p> <p>10 Q Okay. And it says "TRF," and then a 11 bunch of states. What does TRF stand for?</p> <p>12 A Tamper-resistant formulation.</p> <p>13 Q Okay. And Tennessee is listed among 14 several other states there; is that correct?</p> <p>15 A It is.</p> <p>16 Q Okay. Now, if you could switch with me 17 to the page marked 33, Bates 06213533.</p> <p>18 The top says: "Candie Phipps, 2012 19 Southwest Regional and Tennessee Action Plan."</p> <p>20 Do you see where I'm at?</p> <p>21 A I do.</p> <p>22 Q Okay. And so looking at that, it says: 23 "New Opana ER formulation. With the expected 24 launch of Opana ER, Endo's state government</p>
<p style="text-align: center;">Page 395</p> <p>1 (Munroe Exhibit No. 52 was marked 2 for identification.)</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q Okay. Do you recognize this as an 5 e-mail sent from Timothy Byrne to you and Greg 6 Thomas?</p> <p>7 A Actually, it's sent to Caroline Manogue.</p> <p>8 Q You are correct. Copying you and Greg 9 Thomas; is that right?</p> <p>10 A That's right.</p> <p>11 Q Okay. And it's attaching the 2012 12 strategic plan; is that correct?</p> <p>13 A That's what this e-mail indicates.</p> <p>14 Q Okay. And so looking at the attachment, 15 the draft of "Endo Government Affairs 2012 16 Strategic Plan," if you will switch with me to the 17 page marked 18, by y'all's page numbers, not the 18 Bates. It would be Bates number MDL-06213518.</p> <p>19 The top of it says "2012 Objectives by 20 Department," page 18. Do you see where I'm at, 21 sir?</p> <p>22 A I think so. Is this page 18? Is 23 that -- do I have that right?</p> <p>24 MR. DAVIS: Yeah, that's right.</p>	<p style="text-align: center;">Page 397</p> <p>1 affairs will provide support to the Southwest 2 region and Tennessee through various efforts."</p> <p>3 Did I read that correctly?</p> <p>4 A You did.</p> <p>5 Q Okay. And then number 1 states: 6 "Implement protections at the state level to 7 prevent the inappropriate substitution of generic 8 products for Opana ER tamper-resistant formulation 9 prescriptions."</p> <p>10 Did I say -- say that correctly?</p> <p>11 A Yes.</p> <p>12 Q Okay. And then, "Introduce and pass TRF 13 legislation in Louisiana and Tennessee." Is that 14 right?</p> <p>15 A That's what this says.</p> <p>16 Q Okay. And do you know if legislation 17 for tamper-resistant formulas was ever introduced 18 in Tennessee?</p> <p>19 A I -- I don't recall.</p> <p>20 Q Okay. Do you recall any proposed 21 legislation in Tennessee to have Opana ER 22 reformulated put on a tamper-resistant list?</p> <p>23 A I don't recall.</p> <p>24 Q Would you have been involved in that, in</p>

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<p>1 those efforts?</p> <p>2 A I would not have been directly involved 3 in those efforts. That would have -- that was a 4 department that reported to Greg Thomas, and then 5 he had people underneath him and they had 6 consultants working for them. So it would have 7 been several steps removed from me.</p> <p>8 Q Okay. So that wouldn't have been 9 something that was within your purview.</p> <p>10 MR. DAVIS: Objection to form.</p> <p>11 THE WITNESS: Well, it was -- it was 12 happening within my department, but not something 13 that I did on a day-to-day basis.</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. Have you ever heard of Opana ER 16 getting put on a list of tamper-resistant 17 formulas?</p> <p>18 A What I recall --</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 THE WITNESS: -- is our public policy 21 position that we believed that if there were 22 generic versions of Opana ER ADF on the market at 23 the same time as Opana ER ADF, that it would 24 undermine the potential success at mitigating</p>	<p>1 BY MS. HERZFELD:</p> <p>2 Q I understand that, sir, but my question 3 is do you have knowledge. That's -- that's my 4 question. So you're here today --</p> <p>5 A I don't recall knowledge --</p> <p>6 Q -- because I'm allowed to ask you --</p> <p>7 MR. DAVIS: Let her finish the question.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q I'm sorry. You don't have any 10 knowledge, is that what you said? I didn't hear 11 you.</p> <p>12 MR. DAVIS: Ask him the question again, 13 please.</p> <p>14 MS. HERZFELD: Sure.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q I'm asking if you have any knowledge if 17 Opana ER reformulated received abuse-deterrent 18 labeling?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 You can answer that.</p> <p>21 THE WITNESS: I don't recall any level 22 of knowledge about the answer to that question.</p> <p>22 BY MS. HERZFELD:</p> <p>23 Q Okay. And do you know if you ever had</p>
<p style="text-align: center;">Page 399</p> <p>1 misuse and abuse of Opana ER ADF. So we undertook 2 efforts to educate lawmakers in that regard.</p> <p>3 Now, as to the specific state 4 activities, I don't recall.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Okay. But Opana ER reformulated never 7 actually got the abuse-deterrent labeling from the 8 FDA; is that right?</p> <p>9 MR. DAVIS: Objection to form.</p> <p>10 THE WITNESS: I don't want to speak to 11 the label, but if you do have questions about the 12 label, Bob Barto was our head of regulatory 13 affairs, and he would be able to address those 14 issues for you.</p> <p>15 BY MS. HERZFELD:</p> <p>16 Q Okay. And I understand you don't want 17 to speak to it, but my question is, do you know if 18 Opana ER reformulated ever received abuse- 19 deterrent labeling?</p> <p>20 MR. DAVIS: Objection to form.</p> <p>21 THE WITNESS: I really don't want to 22 talk about the label because that's just not 23 something that I have a -- a comfort level with in 24 terms of my area of expertise.</p>	<p style="text-align: center;">Page 401</p> <p>1 knowledge of the answer to that question, or you 2 just don't remember today?</p> <p>3 MR. DAVIS: Objection to form.</p> <p>4 THE WITNESS: I can't say. I just don't 5 know.</p> <p>6 BY MS. HERZFELD:</p> <p>7 Q Okay. Okay. What would be considered a 8 threat -- a state legislative opportunity that 9 would be a threat to Endo in regard to opioids?</p> <p>10 MR. DAVIS: Objection to form, 11 foundation.</p> <p>12 THE WITNESS: A threat might be an 13 impediment to a physician's ability to write an 14 appropriate prescription medicine for an 15 appropriate patient for an appropriate disease 16 state.</p> <p>17 One of our public policy goals was to 18 facilitate patient access to appropriate pain care 19 medications that were deemed appropriate by 20 physicians.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q Okay. And physicians can work at pill 23 mills; is that right?</p> <p>24 MR. DAVIS: Objection to form.</p>

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<p>1 Foundation.</p> <p>2 THE WITNESS: I don't know about --</p> <p>3 anything about physicians working at pill mills,</p> <p>4 actually.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q Okay. We talked before about pill</p> <p>7 mills. I believe you talked about knowing that</p> <p>8 it's a place where people would go to get an</p> <p>9 illegitimate prescription; is that right?</p> <p>10 A I don't recall what our conversation</p> <p>11 was.</p> <p>12 Q Oh, okay. Okay then.</p> <p>13 Do you recall what, if any, groups</p> <p>14 specific in Tennessee you worked with --</p> <p>15 MR. DAVIS: Objection.</p> <p>16 BY MS. HERZFELD:</p> <p>17 Q -- for your lobbying efforts at Endo?</p> <p>18 MR. DAVIS: Objection to form.</p> <p>19 THE WITNESS: No, I don't recall.</p> <p>20 BY MS. HERZFELD:</p> <p>21 Q Okay. Did you have a contract lobbyist</p> <p>22 in Tennessee?</p> <p>23 A I believe at one point the company did</p> <p>24 have a contract lobbyist. That would have been a</p>	<p>1 feel totally comfortable describing what we did</p> <p>2 do, and -- and those were efforts that I was proud</p> <p>3 of.</p> <p>4 BY MS. HERZFELD:</p> <p>5 Q Okay. And my question is, who, if</p> <p>6 anyone, in government affairs was responsible for</p> <p>7 looking out for the people who were getting</p> <p>8 addicted to Endo's product in Tennessee?</p> <p>9 MR. DAVIS: Objection to form,</p> <p>10 foundation.</p> <p>11 THE WITNESS: We worked on -- I can tell</p> <p>12 you what we did work on. I can't speak to the</p> <p>13 issues of what we didn't do, but I can speak to</p> <p>14 the issues of what we did do. And what we did do</p> <p>15 was work on public policy issues where there was a</p> <p>16 benefit to society, public health, benefit to</p> <p>17 patients, and where those ideals intersected with</p> <p>18 the interests of Endo.</p> <p>19 MS. HERZFELD: I'm going to move to</p> <p>20 strike the answer there.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q My question is, was there anyone on the</p> <p>23 staff of government affairs whose responsibility</p> <p>24 it was to look out for the people who were getting</p>
<p style="text-align: center;">Page 403</p> <p>1 contract lobbyist that worked for Candie Phipps.</p> <p>2 Q Okay. And why did the company have a</p> <p>3 contract lobbyist in Tennessee?</p> <p>4 A It would have been to pursue public</p> <p>5 policy issues where we believed there was a</p> <p>6 benefit to society, public health, or a benefit to</p> <p>7 appropriate patient care and a benefit directly to</p> <p>8 the patient, and also an intersection with what</p> <p>9 was beneficial to Endo.</p> <p>10 Q Okay. And who on the lobbying staff's</p> <p>11 job would it have been to protect the interests of</p> <p>12 those who were being addicted to Opana in</p> <p>13 Tennessee?</p> <p>14 MR. DAVIS: Objection to form.</p> <p>15 THE WITNESS: Our job in -- in</p> <p>16 government affairs was to work on -- on those</p> <p>17 issues where there was a benefit to society,</p> <p>18 public health, or a benefit to the patient, and</p> <p>19 where there was an intersection of those</p> <p>20 principles with benefits to Endo.</p> <p>21 What we didn't work on -- I don't want</p> <p>22 to speak to what we didn't work on, because what</p> <p>23 we didn't work on was -- was, frankly, infinite</p> <p>24 where there were a lot of things we didn't do. I</p>	<p style="text-align: center;">Page 405</p> <p>1 addicted to Opana in Tennessee?</p> <p>2 MR. DAVIS: Objection.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q It's a simple question. Was there</p> <p>5 somebody or was there not?</p> <p>6 MR. DAVIS: Objection to form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: I believe strongly that</p> <p>9 the work we did which was directly related to</p> <p>10 public policy issues where there was a benefit to</p> <p>11 society, public health or a benefit to patients,</p> <p>12 and where those ideals intersected with benefits</p> <p>13 to Endo, that we would engage in public policy</p> <p>14 activities. I don't want to describe the infinite</p> <p>15 number of things we didn't do. I would rather be</p> <p>16 forthcoming and tell you what we did do.</p> <p>17 BY MS. HERZFELD:</p> <p>18 Q Okay. And so you've told me what you</p> <p>19 did do, and you've said you don't want to talk</p> <p>20 about what you didn't do.</p> <p>21 So was there someone in charge of</p> <p>22 addiction stuff in Tennessee or was there not?</p> <p>23 MR. DAVIS: Objection to form. Asked</p> <p>24 and answered.</p>

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<p>1 THE WITNESS: I think --</p> <p>2 MS. HERZFELD: He hasn't answered it.</p> <p>3 THE WITNESS: -- I've answered this</p> <p>4 question, you know, many times.</p> <p>5 BY MS. HERZFELD:</p> <p>6 Q You talked about what you did do, and</p> <p>7 you talked about what you didn't do. And my</p> <p>8 question is simple: Was there somebody assigned</p> <p>9 to look out for those interests in Tennessee?</p> <p>10 MR. DAVIS: Objection to form, asked and</p> <p>11 answered.</p> <p>12 THE WITNESS: I can tell you that we did</p> <p>13 work on public policy issues --</p> <p>14 BY MS. HERZFELD:</p> <p>15 Q Okay. I'm going to back up.</p> <p>16 A -- where there was a --</p> <p>17 MR. DAVIS: Let him finish his answer.</p> <p>18 THE WITNESS: -- benefit to society,</p> <p>19 public health, and a benefit to patients -- and/or</p> <p>20 a benefit to patients.</p> <p>21 BY MS. HERZFELD:</p> <p>22 Q Okay. How about --</p> <p>23 A And where those principles intersected</p> <p>24 with the interests of Endo.</p>	<p>1 society, public health, and a benefit to patients,</p> <p>2 and where those principles intersected with</p> <p>3 interests of Endo. I can tell you that. That</p> <p>4 happened in both state government affairs and in</p> <p>5 federal government affairs.</p> <p>6 MS. HERZFELD: I'm going to move to</p> <p>7 strike that answer as nonresponsive.</p> <p>8 BY MS. HERZFELD:</p> <p>9 Q I'm going to hand you what we're marking</p> <p>10 as Munroe Exhibit 53.</p> <p>11 (Munroe Exhibit No. 53 was marked</p> <p>12 for identification.)</p> <p>13 BY MS. HERZFELD:</p> <p>14 Q Okay. This is ENDO-OPIOID_MDL-02795421</p> <p>15 and 22, with -- the attachment is 95460 through</p> <p>16 66. We didn't print out all of attachments, just</p> <p>17 the one that was relevant to Tennessee.</p> <p>18 Sir, do you recognize this as an e-mail</p> <p>19 sent from you to James Manser?</p> <p>20 A I do.</p> <p>21 Q Okay. And that's dated June 26, 2014;</p> <p>22 is that correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. And it's forwarding an e-mail</p>
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<p>1 MS. HERZFELD: Okay. I'm going to move</p> <p>2 to strike that as nonresponsive.</p> <p>3 BY MS. HERZFELD:</p> <p>4 Q What was the name of the person who was</p> <p>5 in charge in government affairs of looking out for</p> <p>6 people who were addicted to Endo's products?</p> <p>7 MR. DAVIS: Objection to form,</p> <p>8 foundation.</p> <p>9 THE WITNESS: Yeah, I --</p> <p>10 BY MS. HERZFELD:</p> <p>11 Q Do you have a name?</p> <p>12 A I don't remember all the names of the</p> <p>13 employees in my department over the years.</p> <p>14 Q Okay.</p> <p>15 A I can't recite them, you know, off the</p> <p>16 cuff.</p> <p>17 Q Okay. And would there have been a title</p> <p>18 of a person whose job would have included that?</p> <p>19 MR. DAVIS: Objection to form.</p> <p>20 Foundation.</p> <p>21 THE WITNESS: I can tell you that the</p> <p>22 people that did work for me in state government</p> <p>23 affairs in particular would have worked on public</p> <p>24 policy issues where there was a benefit to</p>	<p>1 from Alan Must to you, copying Burt Rosen, about</p> <p>2 materials distributed for the meetings in</p> <p>3 Pennsylvania that day. Is that right?</p> <p>4 A That's what this says.</p> <p>5 Q And do you know --</p> <p>6 A You read that correctly.</p> <p>7 Q And it says in the subject, "HR659,</p> <p>8 Opioid Addiction Advisory Committee Meeting,</p> <p>9 6-26-14."</p> <p>10 Did I read that correctly?</p> <p>11 A That sounds right.</p> <p>12 Q Okay. So if you'll switch with me to</p> <p>13 the attachment that says "Joint State Government</p> <p>14 Commission, dated June 4th, 2014." Do you see</p> <p>15 where I'm at?</p> <p>16 A I do.</p> <p>17 Q Okay. And then it says, title:</p> <p>18 "Prescription for Success: Statewide Strategies</p> <p>19 to Prevent and Treat the Prescription Drug Abuse</p> <p>20 Epidemic in Tennessee."</p> <p>21 Did I read that correctly?</p> <p>22 A You did.</p> <p>23 Q Okay. And do you know who created this</p> <p>24 document?</p>

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1 A I don't.	1 through 42 with an attachment -- two attachments.
2 Q Do you know where it came from?	2 Sir, do you recognize this as an e-mail
3 A This document does not look familiar to	3 sent from Greg Thomas to you and Timothy Byrne?
4 me, and as -- as the -- the cover e-mail	4 A I do.
5 indicates, this is something that I sent along FYI	5 Q Okay. And looking down at the e-mail
6 to the person who handled state government	6 that was forwarded to you, does this indicate
7 relations. And specifically Pennsylvania, that	7 that, based on prescription volume for those past
8 would be James Manser. So I just forwarded this	8 13 weeks leading up to November 13th, 2012, that
9 along.	9 Tennessee was number two in the market for
10 Q Okay. And if you just flip through --	10 Opana ER?
11 A I'm not even sure I read it at the time,	11 A Yeah, I'm -- I'm really unfamiliar with
12 but I don't recall ever seeing it.	12 this data.
13 Q Okay. If you'll just flip through it --	13 Q Sure. Well, let's just read the e-mail
14 I don't need you to read every page, but if you'll	14 that is being forwarded to you.
15 just kind of generally flip through it for me. It	15 A Okay.
16 talks very specifically about different things	16 Q So it says: "Tim and Brian, per our
17 that can be done on -- to combat opioid abuse in	17 brief discussion on researching the state
18 Tennessee.	18 substitution laws, please see e-mail below
19 Do you know if Endo did any of the	19 regarding the top ten states for Opana. Look
20 things that are recommended in this document?	20 forward to discussing moving ahead on this
21 MR. DAVIS: If you're going to ask him	21 project. Greg."
22 that question, he's going to do a lot more than	22 Did I read that correctly?
23 just flip through the document.	23 A You did.
24 THE WITNESS: Well -- well, first of	24 Q Do you know what the project is he's
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1 all, I don't recognize the document.	1 referring to?
2 BY MS. HERZFELD:	2 A I don't.
3 Q Okay.	3 Q Okay. Do you know if you were working
4 A So I don't know -- I -- on both fronts,	4 on state substitution laws in some states?
5 I don't recognize the document, and I don't know	5 A That -- that sounds familiar, but I -- I
6 all of the things that Endo did or does to	6 don't recall the details of it.
7 mitigate the misuse and abuse of opioids.	7 Q And when I say "state substitution
8 Q Okay.	8 laws," what do you -- what do you take that to
9 A So I wouldn't be able to crosswalk an	9 mean?
10 answer for you --	10 A We believed that having generic versions
11 Q Okay.	11 of Opana ER on the market at the same time that
12 A -- because I don't -- I'm not familiar	12 the new formulation was on the market would
13 with this document, and I'm not familiar with	13 undermine the ability of Opana ER new formulation
14 everything that Endo has done to mitigate the	14 to reach its full potential in the mitigation of
15 misuse and abuse of opioids.	15 misuse and abuse.
16 Q Okay. Very good. Thank you, sir. You	16 Q Okay. And that mitigation, the intended
17 can put that aside.	17 mitigation of Opana ER reformulated didn't work so
18 Okay. And I think I just have a couple	18 well in Tennessee because they continued injecting
19 more questions for you.	19 Opana ER; is that right?
20 I'll mark this as Munroe Exhibit 54.	20 MR. DAVIS: Objection to form.
21 (Munroe Exhibit No. 54 was marked	21 THE WITNESS: I --
22 for identification.)	22 MR. DAVIS: Foundation.
23 BY MS. HERZFELD:	23 THE WITNESS: I don't want to speak to
24 Q This is ENDO-OPIOID_MDL-02791740	24 the particular drug abuse issues in Tennessee

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<p>1 because I'm just not knowledgeable about them. I 2 did become aware of them when there were 3 discussions that happened at the company. 4 BY MS. HERZFELD:</p> <p>5 Q Okay. 6 A And I -- I did read about them in the 7 press. 8 Q Okay. 9 A So I have a -- a high level of 10 familiarity with them, but I don't know about 11 the -- the Tennessee prescription drug abuse 12 problems in particular, so I would like to limit 13 my remarks. 14 But I would refer you to Dr. Neil 15 Shusterman, our chief medical officer at the time, 16 who is very expert in these issues and could 17 probably answer your questions. 18 Q Okay. And looking down at the e-mail 19 that was forwarded to you, it says: "Hi, Greg, I 20 have attached a spreadsheet containing IMS Xponent 21 level data for the current 13-week period as of 22 10/26/12." 23 Did I read that correctly? 24 A I'm just paying attention to this for</p>	<p>1 A That's what this says. 2 Q Okay. And then Greg is passing along 3 information to you and Timothy as an FYI; is that 4 right? 5 A That's what this says. 6 Q Okay. Do you recall reading this 7 e-mail? 8 A I don't. 9 Q Okay. If you'll go down with me to the 10 e-mail from Annibale -- or Rowan D'Annibale, 11 which is being forwarded then on from Greg to you, 12 it talks about "Key Insights." 13 Do you see where I'm at? 14 A I do. 15 Q Okay. And so see where it says 16 "oxymorphone HCl"?" 17 A I do. 18 Q Could you read that for me, please. 19 A "Oxymorphone HCl ER and contributes 40 20 percent of the TRx volume in the current 13 weeks. 21 The Midwest has also seen the most significant 22 decline in Opana ER volume since the 23 reformulation." 24 Q Okay. Then the next one, "Oxymorphone</p>
<p style="text-align: center;">Page 415</p> <p>1 the first time in my recollection, so I -- like I 2 said, I don't recall this at all. But, yeah, I 3 think you read that correctly. 4 Q Okay. And my question is very simple. 5 So Rowan D'Annibale, in Rowan's e-mail to Greg 6 Thomas, identifies Tennessee as one of the top ten 7 states for Opana ER, according to this e-mail; is 8 that right? 9 A That's what this e-mail indicates, I 10 believe. 11 Q Okay. Thank you, sir. 12 Okay, this is my last one. We will mark 13 this as Munroe Exhibit 55. 14 (Munroe Exhibit No. 55 was marked 15 for identification.) 16 BY MS. HERZFELD:</p> <p>17 Q It's EPI001106854 through 856 with an 18 attached PowerPoint. 19 Sir, do you recognize this as an e-mail 20 sent from Greg Thomas to Timothy Byrne and you, 21 copying a bunch of people? 22 A Yes, I do. 23 Q And the date on this e-mail is 24 November 13th, 2012; is that correct?</p>	<p style="text-align: center;">Page 417</p> <p>1 HCl." 2 A "ER is geographically concentrated with 3 40 percent of TRx volume coming from four 4 districts - Tennessee, Western PA, Kentucky, Ohio, 5 West Virginia. More than 22 percent of TRx volume 6 is from four Tennessee footprints - East 7 Knoxville, North Knoxville, East Nashville and 8 West Nashville." 9 Q Okay, you can stop right there. 10 Do you know of any specific action that 11 Endo took in response to getting these numbers 12 about the concentration of oxymorphone HCl ER in 13 those districts? 14 MR. DAVIS: Objection to form. 15 THE WITNESS: I'm just looking at this 16 document for the first time. 17 BY MS. HERZFELD: 18 Q Sure. 19 A (Peruses document.) 20 Q My question is pretty simple. Do you 21 know of any activities that Endo took specifically 22 in response to this information about the 23 geographic concentration of prescription volumes 24 in these four footprints for oxymorphone HCl ER?</p>

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1 MR. DAVIS: Objection to form. 2 THE WITNESS: I just don't recall seeing 3 this document, so I'm just taking a quick look at 4 it. 5 BY MS. HERZFELD: 6 Q You can take a look at it, that's fine. 7 A (Peruses document.) No. 8 MS. HERZFELD: Okay. I don't have any 9 further questions for you, Mr. Munroe. 10 THE WITNESS: Thank you. 11 MS. HERZFELD: Thank you very much. 12 THE WITNESS: Thank you. 13 MS. HERZFELD: We're standing on our 14 reservation on those various documents that 15 counsel clawed back. So we'll be suspending the 16 deposition at this time pursuant to further 17 litigation on those issues and others. 18 MR. DAVIS: Let's go off. 19 THE VIDEOGRAPHER: The time is 8:33 p m. 20 We're going off the record. 21 (Recess.) 22 THE VIDEOGRAPHER: The time is 8:43 p m. 23 We're back on the record. 24 EXAMINATION BY COUNSEL FOR ENDO	1 that -- it's Exhibit 14 that the MDL plaintiffs 2 created during that questioning. Do you recall 3 this? 4 A Yes. And that's a very circumscribed 5 limited view of the Pain Care Forum. 6 Q Do you recall being asked questions 7 about patient advocacy organizations and 8 professional societies who were members of the 9 Pain Care Forum? 10 A I -- I remember -- yes, I do remember 11 that question. 12 Q Were there other patient advocacy 13 organizations or professional societies who were 14 members of the Pain Care Forum? 15 A There certainly were, a number of them. 16 Q So let's say there's other -- other 17 organizations. 18 MS. AMINOLROAYA: Objection. 19 BY MR. DAVIS: 20 Q Do you recall whether -- 21 MS. AMINOLROAYA: Objection. Please do 22 not mark my exhibit. 23 BY MR. DAVIS: 24 Q Do you recall whether --
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1 PHARMACEUTICALS AND PAR 2 BY MR. DAVIS: 3 Q Mr. Munroe, I just have a couple of 4 questions for you that I want to clarify, if I 5 may. 6 Do you recall questioning from the MDL 7 plaintiffs regarding the Pain Care Forum? 8 A I do. 9 Q Do you recall discussion with the MDL 10 plaintiffs regarding the membership of the Pain 11 Care Forum? 12 A I do. 13 Q Do you recall being shown lists of the 14 members of the Pain Care Forum? 15 A I do. 16 Q And are those lists the lists that are 17 attached to Exhibits 12 and 13? 18 A Let me take a quick look. 19 That's 13. Yes. 20 Q And did counsel for the MDL plaintiffs 21 ask you about all of the members of the Pain Care 22 Forum? 23 A No. 24 Q Did -- you can see here, this document	1 MS. AMINOLROAYA: Objection. 2 BY MR. DAVIS: 3 Q -- whether any of those other 4 organizations related to nursing? 5 A Yes. Pain nursing in particular. 6 Q Okay. How about cancer treatment? 7 MS. AMINOLROAYA: Objection. This is 8 plaintiffs' exhibit and -- excuse me. We need to 9 go off the record. This is my exhibit, and if you 10 want to mark up this exhibit, you can, but you 11 need to do it on another copy. 12 MR. DAVIS: Well, we've already started. 13 This is an exhibit that you created. I'm just 14 making it actually complete. 15 BY MR. DAVIS: 16 Q Mr. Munroe, do you recall -- 17 MS. AMINOLROAYA: No. Objection. 18 MR. DAVIS: You've got an objection on 19 the record. 20 MS. AMINOLROAYA: I object. You are -- 21 you are altering my exhibit. 22 MR. DAVIS: Parvin, you got your -- you 23 got your objection on the record. 24 BY MR. DAVIS:

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<p>1 Q Mr. Munroe, do you recall any patient 2 advocacy organizations related to cancer 3 treatment? 4 A Yes. In particular, the American Cancer 5 Society, the renowned American Cancer Society. 6 Q How about patient advocacy organizations 7 or professional societies related to hospice care? 8 A Yes. The Hospice and Palliative Care 9 both were members of the Pain Care Forum. 10 Q How about pain advocacy organizations or 11 professional societies related to drug abuse 12 monitoring? 13 A Yes. They -- 14 MS. AMINOLROAYA: Objection to the 15 alteration of the exhibit. 16 THE WITNESS: They were also members of 17 the Pain Care Forum. It was a very broad 18 coalition. 19 BY MR. DAVIS: 20 Q How about third-party organizations 21 related to drug abuse prevention? 22 A Yes, they were also members of the Pain 23 Care Forum. 24 Q Do you recall counsel for the MDL</p>	<p>1 A Yes. 2 Q As a member of the executive committee 3 of the Pain Care Forum, do you recall excluding 4 any organization or company from membership? 5 A I don't recall excluding any 6 organization. 7 Q So not exclusive. 8 Mr. Munroe, do you recall whether the 9 Pain Care Forum ever took any policy positions? 10 A I don't recall them ever taking a policy 11 position. 12 Q Mr. Munroe, can you tell me anything 13 about the agenda of the Pain Care Forum? 14 A Well, it is -- 15 MS. AMINOLROAYA: Object to form. 16 THE WITNESS: -- a completely open 17 agenda, and -- and if you just e-mailed the 18 moderator the topic that you wanted to -- to place 19 on the agenda, it went on the agenda. 20 MR. DAVIS: Great. Thank you, 21 Mr. Munroe. 22 THE WITNESS: You're welcome. 23 THE VIDEOGRAPHER: Off the record. 24 MS. AMINOLROAYA: Off the record.</p>
<p style="text-align: center;">Page 423</p> <p>1 plaintiffs asking you about companies who were 2 members of the Pain Care Forum? 3 A I do. 4 Q Are these all of the companies that were 5 members of the Pain Care Forum? 6 A No, I don't think so. 7 Q Can you think of any other companies who 8 were members of the Pain Care Forum? 9 A Well, one of the big companies that was 10 a very active member was Boston Scientific, makers 11 of medical devices. They were not an opioid 12 company. But there were other companies that were 13 non-opioid companies that were members of the Pain 14 Care Forum. 15 Q Okay. Do you recall any patient 16 advocacy or professional societies related to 17 pharmacists -- 18 A I do -- 19 Q -- that were members of the Pain Care 20 Forum? 21 A I do, and they were members. 22 Q Okay. Do you recall, Mr. Munroe, you -- 23 were you a member of the executive committee of 24 the Pain Care Forum?</p>	<p style="text-align: center;">Page 425</p> <p>1 THE VIDEOGRAPHER: Okay. The time is 2 8:49 p.m. We're going off the record. 3 (Recess.) 4 THE VIDEOGRAPHER: Okay. The time is 5 5:30 -- sorry, 8:56 p.m. We're back on the 6 record. 7 MS. AMINOLROAYA: I want to reiterate a 8 standing objection to the defacing of Exhibit 14. 9 We are at Arnold & Porter's offices in Washington, 10 D.C. Mr. Davis could have easily made a copy of 11 the exhibit and marked that one, and instead chose 12 to deface and -- and extricably alter Exhibit 14. 13 And we reserve all rights with respect to that. 14 FURTHER EXAMINATION BY COUNSEL 15 FOR THE MDL PLAINTIFFS 16 BY MS. AMINOLROAYA: 17 Q Mr. Munroe, do you recall testifying 18 that you could not recall excluding any 19 organization from the Pain Care Forum? 20 A I -- 21 MR. DAVIS: Objection to form. 22 THE WITNESS: I -- I do recall 23 testifying to that, that I didn't recall. 24 BY MS. AMINOLROAYA:</p>

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<p>1 Q If someone wanted to join the Pain Care 2 Forum, would there be any way for a person to 3 Google the Pain Care Forum and find them? 4 A I don't know. I've never tried to 5 Google the Pain Care Forum. 6 Q Could they look them up in the 7 phonebook? 8 MR. DAVIS: Objection to form. 9 THE WITNESS: They might have been able 10 to Google them. I don't know. 11 BY MS. AMINOLROAYA: 12 Q Does the Pain Care -- 13 A I'm not sure I know of anybody who uses 14 a phonebook anymore. 15 Q Could they be looked up on 16 whitepages.com or the businesswhitepages.com? 17 A I don't know. You'd have to try 18 yourself. I've never done that. 19 Q All right. So could someone find out 20 from public sources on the internet about the Pain 21 Care Forum and how to join them? 22 A I don't know. I've never done a -- a 23 search on the internet for the Pain Care Forum. 24 Q And did the Pain Care Forum post their</p>	<p>1 Q Was Will Rowe a member of the Pain Care 2 Forum? 3 A The American Pain Foundation was a 4 member, and -- and Will was -- was an active 5 member. 6 Q And was the American Pain Foundation an 7 organization that Endo gave millions of dollars 8 to? 9 MR. DAVIS: Objection to form. 10 THE WITNESS: I don't recall the exact 11 amount of money that we gave to the American Pain 12 Foundation. 13 BY MS. AMINOLROAYA: 14 Q But you would agree that the -- Endo's 15 response to the Senate Finance Committee correctly 16 discloses the amount of money or some of the money 17 that Endo gave to the American Pain Foundation? 18 A I could say that -- that we made every 19 attempt to -- to make that an accurate document 20 for Senator Grassley. 21 Q Were many e-mails sent to Pain Care 22 Forum's membership by Mr. Rowe? 23 MR. DAVIS: Objection to form. 24 THE WITNESS: You would have to ask him.</p>
<p>1 meeting information publicly anywhere? 2 MR. DAVIS: Objection to form. 3 THE WITNESS: Not to my knowledge. 4 BY MS. AMINOLROAYA: 5 Q Did they post their agendas in a public 6 space for the world to see? 7 MR. DAVIS: Objection to form. 8 THE WITNESS: No, they did not. 9 BY MS. AMINOLROAYA: 10 Q Did they publicize their events in any 11 other way? 12 MR. DAVIS: Objection to form. 13 THE WITNESS: I'm unaware of any other 14 notices for meetings of the Pain Care Forum other 15 than those that -- that came from the e-mail 16 distribution. 17 BY MS. AMINOLROAYA: 18 Q Thank you. 19 And did Will Rowe have a leadership 20 position at the Pain Care Forum? 21 MR. DAVIS: Objection to form. 22 THE WITNESS: I don't know. 23 MR. DAVIS: Foundation. 24 BY MS. AMINOLROAYA:</p>	<p>1 BY MS. AMINOLROAYA: 2 Q Did we look at a number of e-mails today 3 that came from Mr. Rowe to the Pain Care Forum? 4 MR. DAVIS: Objection to form. 5 THE WITNESS: We did look at some. 6 MS. AMINOLROAYA: Those are all the 7 questions I have. 8 THE WITNESS: Thank you. 9 MR. DAVIS: We're good to go. 10 THE VIDEOGRAPHER: Okay. The time is 11 8:59 p.m., March 19th, 2019. Going off the 12 record, concluding the videotaped deposition. 13 (Whereupon, the deposition of 14 BRIAN MUNROE was concluded at 15 8:59 p.m.) 16 17 18 19 20 21 22 23 24</p>

Page 430	Page 432
1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER	1 -----
2 The undersigned Certified Shorthand Reporter	2 E R R A T A
3 does hereby certify:	3 -----
4 That the foregoing proceeding was taken before	4 PAGE LINE CHANGE
5 me at the time and place therein set forth, at	5 _____
6 which time the witness was duly sworn; That the	6 REASON: _____
7 testimony of the witness and all objections made	7 _____
8 at the time of the examination were recorded	8 REASON: _____
9 stenographically by me and were thereafter	9 _____
10 transcribed, said transcript being a true and	10 REASON: _____
11 correct copy of my shorthand notes thereof; That	11 _____
12 the dismantling of the original transcript will	12 REASON: _____
13 void the reporter's certificate.	13 _____
14 In witness thereof, I have subscribed my name	14 REASON: _____
15 this date: March 22, 2019.	15 _____
16	16 REASON: _____
17 _____	17 _____
18 LESLIE A. TODD, CSR, RPR	18 REASON: _____
19 Certificate No. 5129	19 _____
20 (The foregoing certification of	20 REASON: _____
21 this transcript does not apply to any	21 _____
22 reproduction of the same by any means,	22 REASON: _____
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24 supervision of the certifying reporter.)	24 REASON: _____
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1 INSTRUCTIONS TO WITNESS	1 ACKNOWLEDGMENT OF DEPONENT
2 Please read your deposition over carefully and	2 I, _____, do hereby
3 make any necessary corrections. You should state	3 certify that I have read the foregoing pages, and
4 the reason in the appropriate space on the errata	4 that the same is a correct transcription of the
5 sheet for any corrections that are made.	5 answers given by me to the questions therein
6 After doing so, please sign the errata sheet	6 propounded, except for the corrections or changes
7 and date it.	7 in form or substance, if any, noted in the
8 You are signing same subject to the changes	8 attached Errata Sheet.
9 you have noted on the errata sheet, which will be	9
10 attached to your deposition. It is imperative	10 _____
11 that you return the original errata sheet to the	11 BRIAN MUNROE DATE
12 deposing attorney within thirty (30) days of	12
13 receipt of the deposition transcript by you. If	13
14 you fail to do so, the deposition transcript may	14 Subscribed and sworn to
15 be deemed to be accurate and may be used in court.	15 before me this
16	16 _____ day of _____, 20 ____.
17	17 My commission expires: _____
18	18 _____
19	19 Notary Public
20	20
21	21
22	22
23	23
24	24